

1 I, John H. Scott, declare as follows:

2 1. I am co-counsel for the plaintiffs in the above-captioned matter. I was one of
3 two trial counsel who tried the case on behalf of the plaintiffs. I make this declaration in
4 support of plaintiffs' motion for attorneys' fees and expenses for time spent on this case.

5 2. I graduated from Golden Gate University School of Law in June 1976. On
6 December 22, 1976, I was admitted to practice in the State of California. On that same date I
7 was also admitted to practice in the United States District Court for the Northern District of
8 California. I have also been admitted to practice in the United States District Court for the
9 Central District of California, the United States District Court for the Eastern District of
10 California, the United States District Court for the Southern District of California, the United
11 States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I
12 have been in private practice for 40 years, since January 1977. Attached hereto as Exhibit A is
13 my current curriculum vitae.

14 3. Since becoming a member of the Bar, I have been involved in over 250 cases
15 spanning the broad spectrum of civil rights and constitutional law. I have extensive experience
16 litigating against public entities.

17 4. I am listed as counsel over 150 cases in the Northern District of California and 60
18 cases in the Ninth Circuit.

19 5. I have tried over 150 cases to verdict. I have argued in the Ninth Circuit Court of
20 Appeals over 40 times. Attached as Exhibit A is a true and accurate list of my cases that have
21 resulted in published decisions in both federal and state courts.

22 6. I have lectured, written, and consulted about civil rights litigation.

23 7. For most of my career I have specialized in civil rights litigation with an emphasis
24 on Section 1983 actions. My practice now also includes an emphasis on elder financial abuse. My
25 experience is that many civil rights cases go to trial and many result in defense verdicts. Often
26 these cases do not settle for reasons that tend to be more political than business related, especially
27 cases that involve police, prisons, or claims brought by public employees. Most attorneys are
28

1 reluctant to pursue civil rights claims for purely economic reasons. These cases are hard fought
2 coupled with the perception that "you can't fight City Hall." As a young attorney I became
3 attracted to civil rights cases because they were based on intentional violations of the Constitution.
4 Most of my clients were poor and vulnerable and did not incur substantial economic damages,
5 even in death cases. The reward for pursuing these cases was, in part, the vindication of a
6 Constitutional right and the promise of attorneys' fees if I prevailed at trial. Some of my cases
7 resulted in significant policy changes in police departments, state mental hospitals, and the
8 California Department of Corrections. This case presented an opportunity to achieve all of these
9 goals.

10 8. Prior to associating into this case my experience representing minors related
11 primarily to cases involving children who had been sexually or physically abused in custodial
12 settings or foster care. In addition, I have represented a number of minors in wrongful death, civil
13 rights cases where their parents had been killed by state actors in the field or in custodial settings.

14 9. I also have represented a number of employees in cases alleging sexual harassment
15 and/or racial harassment in the work place. My experience in employment cases has often
16 involved whistleblowers and related retaliation that has taken various forms from death threats to
17 termination. I more recently was involved in retaliation cases that overlapped with Qui Tam (False
18 Claims Act) allegations.

19 10. My forty years of practice as a civil rights attorney has also involved numerous
20 Section 1983 cases that were based in whole, or in part, on a theory of "deliberate indifference."
21 This often arose in custodial type situations where children, patients or inmates were dependent
22 upon state actors for their safety and well-being. The common theme was a statutory and/or
23 constitutional duty to protect someone from a known risk of serious harm.

24 11. In recent years I have also associated as co-counsel (pro hoc vice) outside of
25 California in Arizona, Colorado and Florida. This was my first case that went to trial in Nevada.

26 12. I was first contacted by Allen Lichtenstein in March 2015 about possible
27 association into this case. We had a mutual friend in common. He wanted to associate with an
28 experienced trial attorney to assist him in conducting discovery and preparing the case for trial.

1 He also indicated that this case would be hotly contested and it was likely the case would go to
2 trial.

3 13. I was then provided with the pleadings that existed to date, the applicable Nevada
4 statutes that applied, and obtained information regarding some of the factual and legal issues
5 anticipated to be in dispute. I agreed to associate into the case in May 2015.

6 14. It was agreed that Mr. Lichtenstein would be primarily responsible for the legal
7 research and motion work while I would focus my energy on the depositions, and related
8 discovery, of the key school actors regarding liability.

9 15. Prior to conducting the depositions of Principal Warren McKay and Dean Cheryl
10 Winn in November 2015 I reviewed a number of documents produced during discovery and
11 conferred with my clients. Based on the statutory duties and available information I anticipated
12 that these depositions would help answer a number of questions central to the case.

13 16. On November 2, 2015 I took the deposition of Principal Warren McKay. The next
14 day I took the deposition of Dean Cheryl Winn. I was shocked to discover that both witnesses
15 claimed to have no knowledge of the alleged bullying and harassment that was reported in two
16 emails that were sent to school employees (mandated reporters) – one on September 15, 2011 and
17 a second on October 19, 2011 – until February 2012. These depositions raised more questions
18 than they answered. I was also struck by the lack of genuine concern or remorse they had for
19 Ethan Bryan and Nolan Hairr after conceding that an investigation in February 2012 confirmed the
20 boys' allegations.

21 17. The remaining depositions of Vice-Principal Leonard DePiazza, Counselor John
22 Halpin and teacher Robert Beasley now took on greater importance and more preparation than I
23 initially anticipated. I returned to Las Vegas in late January 2016 to conduct these depositions,
24 plus that of a District Official, Andre Long. Mr. Long did not get involved in the situation until
25 February 2012.

26 18. I conducted the depositions of deponents DePiazza, Halpin, Beasley and Long on
27 January 25, 26, 27 and 28, 2016 respectively. I do not recall ever being involved in a case where
28 there were so many material contradictions between witnesses represented by the same attorneys.

1 Unlike the typical case where there are genuine factual disputes between adversaries, here the
2 factual disputes and contradictions between the school witnesses predominated.

3 19. Given the impeachment and rebuttal among and between key school witnesses I
4 anticipated an opportunity to settle the case. Instead the resolve and determination by the School
5 District increased. The Defendants filed a motion for summary judgment on March 1, 2016. I
6 took over the responsibility to respond to the fact section of the motion and prepare Plaintiffs'
7 statement of facts in opposition to the motion. This included careful review of the deposition
8 testimony in order to demonstrate contradictions and inconsistencies. I also coordinated with Mr.
9 Lichtenstein regarding legal and evidentiary issues related to the motion as well as ongoing
10 additions, edits and revisions of the entire memorandum.

11 20. On or about July 25, 2016 the court denied the motion for summary judgment. A
12 November 2016 trial date was looming. In mid to late October 2016 I began trial preparation.
13 The initial phase involved coordinating with Mr. Lichtenstein regarding an overall strategy as to
14 how to best present the case. This included consideration of which witnesses to call and in what
15 order. We also discussed trial exhibits, anticipated evidentiary issues and potential motions *in*
16 *limine*.

17 21. I took over the primary responsibility of trying the case whereas Mr. Lichtenstein
18 devoted himself to briefing the legal issues both prior to and during trial. I am accustomed to
19 trying cases to juries, however, both Mr. Lichtenstein and I both believed that the complexity of
20 the factual and legal issues made this case better suited for a court trial.

21 22. The trial of this case commenced on November 15, 2016. The evidence concluded
22 on November 22, 2016. For two weeks I devoted most of my time to either preparing for trial or
23 trying the case. During the trial I spent substantial time consulting with Mr. Lichtenstein
24 regarding trial tactics and strategy as the evidence in the case developed.

25 23. After the trial Mr. Lichtenstein took over primary responsibility for post-trial
26 briefing and related matters. However, I did assume the responsibility for reviewing the
27 transcripts of the trial testimony, providing Mr. Lichtenstein a summary of key testimony, and
28 preparing portions of the Closing Argument that related to the testimony of witnesses.

I declare under penalty of perjury that the foregoing is true and correct. Executed this ____ day of July, 2017 in San Francisco, California.

/s/ John Houston Scott
John Houston Scott

Exhibit A

INVOICE

Depo International
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Las Vegas, NV 89101
Ph: 800.591.9722 Fax: 702.386.9825

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Invoice No.	Invoice Date	Job No.
30045	11/9/2016	20057
Job Date	Case No.	
1/26/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

ORIGINAL TRANSCRIPT

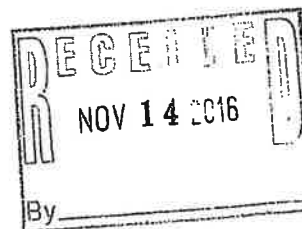
Robert Beasley

46.00

TOTAL DUE >>>**\$46.00**

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Job No. : 20057 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30045 Invoice Date : 11/9/2016
Total Due : \$ 46.00

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Invoice No.	Invoice Date	Job No.
30044	11/9/2016	19283
Job Date	Case No.	
11/3/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

ORIGINAL TRANSCRIPT

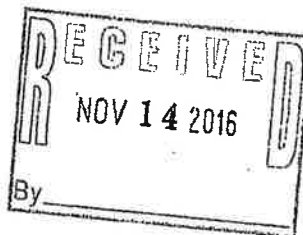
Cheryl Winn

151.00

TOTAL DUE >>>**\$151.00**

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Job No. : 19283 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30044 Invoice Date : 11/9/2016
Total Due : \$ 151.00

Remit To: **Depo International**
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Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD

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Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:



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INVOICE

Invoice No.	Invoice Date	Job No.
30046	11/9/2016	19282
Job Date	Case No.	
11/2/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL TRANSCRIPT

Warren McKay

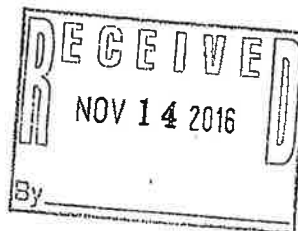
137.00

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\$137.00

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Job No. : 19282 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30046 Invoice Date : 11/9/2016
Total Due : \$ 137.00

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____

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Invoice No.	Invoice Date	Job No.
30047	11/9/2016	19639
Job Date	Case No.	
11/16/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

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Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL TRANSCRIPT

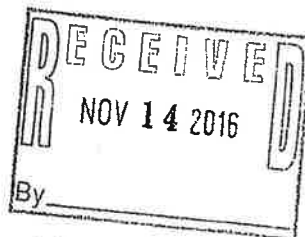
Deanna Wright

51.00

TOTAL DUE >>>**\$51.00**

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Job No. : 19639 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30047 Invoice Date : 11/9/2016
Total Due : \$ 51.00

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD

Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:

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LAS VEGAS NV 89119

(702) 736-1427

11/09/2016 16.8.2 5:25 PM

STR 2715 REG 1 TRN 796 EMP 745904

SALE
Product ID Description Total
998112 INDEX, READY, 1-
5 @ 5.79 28.95
You Pay **28.95**

Sales Tax: 28.95
Subtotal: 2.36
Total: 31.31
MasterCard 8461: 31.31

AUTH CODE 76832P
TDS Chip Read
AID A000000041010 MasterCard
TVR 0800008000
CVS No Signature Required

ALLEN LICHTENSTEIN ATTORNEY A 332610198

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Team Member: Lester M.

Customer: Allen Lichtenstein

RETURN

Design Paper/Sheet -25 @ 0.2500 T
000700 Reg. Price 0.25
Returned Item

Sub-Total (6.25)
Tax (0.51)
Deposit 0.00

Total (6.76)

MasterCard (S) (6.76)

Account: 8461

Auth: SysAuthCode (A)

Total Tender (6.76)
Change Due 0.00



* 1 3 0 1 0 0 3 4 9 5 *

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SALE

Design Paper/Sheet 25 @ 0.2500 T
000700 Reg. Price 0.25
BndrEcoVw.5inWht 1ct 5 @ 2.9900 T
004413 Reg. Price 2.99

Regular Total 21.20
Discounts 0.00

Total 21.20

Sub-Total 21.20
Tax 1.73
Deposit 0.00

Total 22.93

MasterCard (S) 22.93

Account: 8461

Auth: 88628P (A)

Total Tender 22.93
Change Due 0.00

Total Discounts 0.00

001690

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DISTRICT COURT XXVII**

DATE OF INVOICE: 11/22/16

CASE #	A700018		
CASE NAME:	Mary Bryan vs. Clark County School District, et al		
HEARING DATE:	11/15/16-11/18/16, 11/22/15		
DEPARTMENT #	DISTRICT COURT 27		
ORDERED BY:	Allen Lichtenstein, Esq.		
FIRM:			
EMAIL:	allaw@lvcoxmail.com		
COURT RECORDER: Traci Rawlinson			
PHONE NUMBER: 702-671-0883			
PAYABLE TO:	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Ave. Las Vegas, NV 89155		
BILL AMOUNT:		CDs @ \$25 each =	\$
	22	hours @ \$40 an hour recording fee =	\$ 880.00
		pages @ \$3.80 per page of trans.=	\$
	TOTAL: (50/50 split between Plaintiff and Defendant) =		\$ 440.00
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:		
BILL AMOUNT:		pages @	\$ per page of trans \$
DATE PAID:			
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DEPOSIT INVOICE

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Date 11/28/2016

CLIENT

ALLEN K. LICHTENSTEIN, ESQ. 3315 Russell Road No. 222 Las Vegas, NV. 89120

Due Date 11/30/2016
 Other

Description	Qty	Rate	Amount
****DEPOSIT**** MARY BRYAN V CCSD CASE NO. A700018 DEPT NO. XXVII JUDGE: NANCY ALLF		2,000.00	2,000.00
		Subtotal	\$2,000.00
		Sales Tax (0.0%)	\$0.00
		Total	\$2,000.00

KIMBERLY LAWSON
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 Tax ID No. 27-2346646

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3/15/2017 4:52:05 PM PST
Team Member: Michael S.
Customer: Laura Lichtenstein

SALE

A-Day 2 A-14-700018-	Qty 1	26.57
BW 1S on 24# Wht	166 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	26.57	
Regular Total	28.23	
Discounts	1.66	

B-Day 2 A-14-700018-	Qty 1	25.79
BW 1S on 24# Wht	160 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	25.79	
Regular Total	27.39	
Discounts	1.60	

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000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	33.59	
Regular Total	35.79	
Discounts	2.20	

Sub-Total	85.95
Tax	7.00
Deposit	0.00
Total	92.95

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3/28/2016 2:37:15 PM PST
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SALE

Auto Scan-To-PDF	71 @	0.4900 T
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Discounts	28.40	
Total	34.79	

Sub-Total	34.79
Tax	2.84
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Total	37.63

MasterCard (S)	37.63
Account: 8481	
Auth: 51760P (A)	

Total Tender	37.63
Change Due	0.00

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10/23/2015 1:55:53 PM PST
Team Member: Lester M.

SALE

CD Burn ~ Add'l 1 @ 9.9900 T
003025 Reg. Price 9.99
Regular Total 9.99
Discounts 0.00
Total 9.99

Sub-Total 9.99
Tax 0.81
Deposit 0.00
Total 10.80
MasterCard (S)
Account: 8461
Auth: 91125P (A)
Total Tender 10.80
Change Due 0.00

469100

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5775 S Eastern Ave
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3/16/2017 1:57:17 PM PST
Team Member: Dustin D.
Customer: Laura Lichtenstein

SALE

Quick Order Qty 1 31.64
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000330 Reg. Price 0.14
Coil Mixed Covers 1 @ 4.9900 T
000887 Reg. Price 4.99

Price per piece 31.64
Regular Total 33.69
Discounts 2.05
Sub-Total 31.64
Tax 2.58
Deposit 0.00
Total 34.22
MasterCard (S)
Account: 8461
Auth: 63686P (A)
Total Tender 34.22
Change Due 0.00

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Tel: (702) 735-4402

4/1/2016 7:50:52 PM PST
Team Member: Michael S.

SALE

Auto Scan To PDF 60 @ 0.4900 T
002862 Reg. Price 0.69
Regular Total 71.20
Discounts 32.00
Total 39.20

Sub-Total 39.20
Tax 3.19
Deposit 0.00
Total 42.39
Visa (S)
Account: 5130
Auth: 06310B (A)
Total Tender 42.39
Change Due 0.00

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(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
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10/13	SAM TRUONGS 78 SAN FRANCISCO CA	45.44
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10/12	NEWSLINK 28 BOS E BOSTON MA	23.20
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110315 1 T	LAS SFO	
10/17	CHEAP PETE'S SF SAN FRANCISCO CA	66.70
10/15	HARBOR COMPOUNDING&HOM 949-6420108 CA	216.00
10/16	ANDREW PALLOS DDS LAGUNA NIGUEL CA	600.00
10/19	POINTS RAPID REWARDS 800-435-9792 IL	166.00
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2 S	SNA SFO	
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10/22	OCSF MTA IPS PRKNG METER SAN FRANCISCO CA	4.77
10/23	ALBORZ RESTAURANT SAN FRANCISCO CA	47.64
10/24	SHELL OIL 57444216204 SAN FRANCISCO CA	39.48
10/24	FULLERTON PHOTOGRAPHIC FULLERTON CA	217.30
10/28	PPONEOC 402-935-2244 CA	550.00
10/27	THRIFTYRENTALFINECOM 877.759.5828 AZ	20.25
10/27	THE BONE ADVENTURE COSTA MESA CA	34.00
10/31	76 10098457 COSTA MESA CA	47.94
11/02	FEDEXOFFICE 00307419 LAS VEGAS NV	16.20
11/02	THE SICILIAN RISTORANTE LAS VEGAS NV	126.46
11/02	GANDHI INDIAS CUISINE LAS VEGAS NV	25.84
11/03	ANDREW PALLOS DDS LAGUNA NIGUEL CA	300.00
11/04	THANH NGOC PHAN TAXICAB SAN FRANCISCO CA	52.00
11/04	OAKLAND PARKING METER 800-500-6484 CA	4.00
11/03	ARAWAN THAI BISTRO DESSE LAS VEGAS NV	25.51
11/03	SEATA ETH & MISSION CADA SAN FRANCISCO CA	2.50

DEPARTMENT CODE LIST

TIME : 06-26-2015 13:01

NO. DEPARTMENT

41

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	20	20	
LARGE	0	0	0	
	0	20	20	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	0		0	0	0	
LARGE	0		0	0	0	
	0	0	0	0	0	0

FAX COMMUNICATION

SCAN COUNTER

	FULL COLOR		TWIN/MONO COLOR		BLACK			
	TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK
SMALL	0	0	0	0	0	0	0	0
LARGE	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0

DEPT NO. DEPARTMENT

42

Bryan, Mary/Hairr

827-20

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	0	0	
LARGE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	0	0	136	0	136	
LARGE	0	0	0	0	0	
	0	0	136	0	136	0

FAX COMMUNICATION

SCAN COUNTER

	FULL COLOR		TWIN/MONO COLOR		BLACK			
	TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK
SMALL	0	0	0	0	0	0	0	0
LARGE	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 09-14-2015 09:28

NO. DEPARTMENT

IT COUNTER

COLOR

	COPY	PRINT	TOTAL	LIMIT
LL	0	0	0	
SE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

K

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	0	0	0	0	0	
SE	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

		FULL COLOR		TWIN/MONO COLOR		BLACK		
TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK	
LL	0	0	0	0	0	0	0	0
SE	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0

NO. DEPARTMENT

12 Bryan, Mary/Hairr

\$ 4.00

IT COUNTER

COLOR

	COPY	PRINT	TOTAL	LIMIT
LL	0	20	20	
SE	0	0	0	
	0	20	20	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

K

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	0	0	0	0	0	
SE	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

		FULL COLOR		TWIN/MONO COLOR		BLACK		
TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK	
LL	0	0	0	0	0	0	0	0
SE	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 12-07-2015 11:38

NO. DEPARTMENT

42 Bryan, Mary/Hairr - \$ 210.40

PRINT COUNTER

ALL COLOR

	COPY	PRINT	TOTAL	LIMIT
ALL	0	27	27	
GE	0	0	0	
	0	27	27	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

CK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	237	0	788	0	1025	
BE	0	0	0	0	0	
	237	0	788	0	1025	0

COMMUNICATION

SCAN COUNTER

TRANSMIT		RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK		FAX		NETWORK	
				COPY	NETWORK	COPY		COPY					
	0	0	SMALL	0	0	0		0	118	0	0	0	0
	0	0	LARGE	0	0	0		0	0	0	0	0	0
	0	0		0	0	0		0	118	0	0	0	0

NO. DEPARTMENT

COUNTER

ALL COLOR

	COPY	PRINT	TOTAL	LIMIT
	0	0	0	
	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
	0	0	0	0	0	
	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

TRANSMIT		RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK		FAX		NETWORK	
				COPY	NETWORK	COPY		COPY					
	0	0	SMALL	0	0	0		0	0	0	0	0	0
	0	0	LARGE	0	0	0		0	0	0	0	0	0
	0	0		0	0	0		0	0	0	0	0	0

RK

0
0
0

DEPARTMENT CODE LIST

TIME : 02-04-2016 11:59

T NO. DEPARTMENT

42 Bryan, Mary/Hairr \$190.60

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	33	33	
LARGE	0	0	0	
	0	33	33	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	82	0	838	0	920	
LARGE	0	0	0	0	0	
	82	0	838	0	920	0

FAX COMMUNICATION

SCAN COUNTER

				FULL COLOR		TWIN/MONO COLOR		BLACK		
		TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK	
SMALL	0	0	0	SMALL	0	0	0	42	0	0
LARGE	0	0	0	LARGE	0	0	0	0	0	0
	0	0	0		0	0	0	42	0	0

DEPT NO. DEPARTMENT

D 43 [REDACTED]

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	0	0	
LARGE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	0	0	0	0	0	
LARGE	0	0	0	0	0	
	0	0	0	0	0	0

FAX COMMUNICATION

SCAN COUNTER

				FULL COLOR		TWIN/MONO COLOR		BLACK		
		TRANSMIT	RECEPTION	COPY	NETWORK	COPY	COPY	FAX	NETWORK	
SMALL	0	0	0	SMALL	0	0	0	0	0	0
LARGE	0	0	0	LARGE	0	0	0	0	0	0
	0	0	0		0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 03-03-2016 17:53

NO. DEPARTMENT

36

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	39	39	
LARGE	0	0	0	
	0	39	39	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	0	0	0	0	0	
LARGE	0	0	0	0	0	
	0	0	0	0	0	0

FAX COMMUNICATION

SCAN COUNTER

	TRANSMIT		RECEPTION	FULL COLOR		TWIN/MONO COLOR		BLACK		FAX	NETWORK
	COPY	NETWORK		COPY	NETWORK	COPY	COPY	COPY	COPY		
SMALL	0	0	0	0	0	0	0	0	0	0	0
LARGE	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0

PT NO. DEPARTMENT

42 Bryan, Mary/Hairr

567.40

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	13	13	
LARGE	0	0	0	
	0	13	13	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	21	0	303	0	324	
LARGE	0	0	0	0	0	
	21	0	303	0	324	0

FAX COMMUNICATION

SCAN COUNTER

	TRANSMIT		RECEPTION	FULL COLOR		TWIN/MONO COLOR		BLACK		FAX	NETWORK
	COPY	NETWORK		COPY	NETWORK	COPY	COPY	COPY	COPY		
SMALL	0	0	0	0	0	0	0	21	0	0	0
LARGE	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	21	0	0	0

DEPARTMENT CODE LIST

TIME : 04-03-2017 11:00

NO. DEPARTMENT

40

INT COUNTER

LL COLOR

	COPY	PRINT	TOTAL	LIMIT
ALL	0	0	0	
RGE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

ACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
ALL	0	0	0	0	0	
RGE	0	0	0	0	0	
	0	0	0	0	0	0

X COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	FAX	NETWORK	
				COPY	NETWORK	COPY	COPY				
ALL	0	0	SMALL	0	0	0	0	0	0	0	0
RGE	0	0	LARGE	0	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0	0

PT NO. DEPARTMENT

42 Bryan, Mary/Hairr

- 823.60

INT COUNTER

LL COLOR

	COPY	PRINT	TOTAL	LIMIT
ALL	0	0	0	
RGE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

ACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
ALL	0	0	118	0	118	
RGE	0	0	0	0	0	
	0	0	118	0	118	0

X COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	FAX	NETWORK	
				COPY	NETWORK	COPY	COPY				
ALL	0	0	SMALL	0	0	0	0	0	0	0	0
RGE	0	0	LARGE	0	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 06-08-2017 10:33

DEPARTMENT

PRINT COUNTER

ALL COLOR

	COPY	PRINT	TOTAL	LIMIT
ALL	0	0	0	
GE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
ALL	0	0	0	0	0	
GE	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION	FULL COLOR		TWIN/MONO COLOR		BLACK		FAX	NETWORK
			COPY	NETWORK	COPY	COPY	COPY			
LL	0	0	SMALL	0	0	0	0	0	0	0
GE	0	0	LARGE	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0

NO. DEPARTMENT

2 Bryan, Mary/Hairr

- 44-40

PRINT COUNTER

ALL COLOR

	COPY	PRINT	TOTAL	LIMIT
L	0	141	141	
	0	0	0	
	0	141	141	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
	0	0	81	0	81	
	0	0	0	0	0	
	0	0	81	0	81	0

COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION	FULL COLOR		TWIN/MONO COLOR		BLACK		FAX	NETWORK
			COPY	NETWORK	COPY	COPY	COPY			
	0	0	SMALL	0	0	0	0	0	0	0
	0	0	LARGE	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 09-01-2016 14:18

NO. DEPARTMENT

36

NT COUNTER

L COLOR

	COPY	PRINT	TOTAL	LIMIT
LL	0	0	0	
3E	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

CK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	0	0	0	0	0	
3E	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	FAX	NETWORK	
				COPY	NETWORK	COPY	COPY	COPY			
LL	0	0	SMALL	0	0	0	0	0	0	0	0
3E	0	0	LARGE	0	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0	0

NO. DEPARTMENT

12 Bryan, Mary/Hairr

4640

IT COUNTER

L COLOR

	COPY	PRINT	TOTAL	LIMIT
LL	0	0	0	
3E	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

K

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	0	0	32	0	32	
3E	0	0	0	0	0	
	0	0	32	0	32	0

COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	FAX	NETWORK	
				COPY	NETWORK	COPY	COPY	COPY			
LL	0	0	SMALL	0	0	0	0	0	0	0	0
3E	0	0	LARGE	0	0	0	0	0	0	0	0
	0	0		0	0	0	0	0	0	0	0

DEPARTMENT CODE LIST

TIME : 10-31-2016 11:04

DEPT NO. DEPARTMENT

42 Bryan, Mary/Hairr - \$51.80

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	47	47	
LARGE	0	0	0	
	0	47	47	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	55	0	157	0	212	
LARGE	0	0	0	0	0	
	55	0	157	0	212	0

FAX COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	
				COPY	NETWORK	COPY	COPY	FAX	NETWORK
SMALL	0	0	SMALL	0	5	0	55	0	8
LARGE	0	0	LARGE	0	0	0	0	0	0
	0	0		0	5	0	55	0	8

DEPT NO. DEPARTMENT

44 [REDACTED]

PRINT COUNTER

FULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	59	59	
LARGE	0	0	0	
	0	59	59	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	16	0	105	0	121	
LARGE	0	0	0	0	0	
	16	0	105	0	121	0

FAX COMMUNICATION

SCAN COUNTER

	TRANSMIT	RECEPTION		FULL COLOR		TWIN/MONO COLOR		BLACK	
				COPY	NETWORK	COPY	COPY	FAX	NETWORK
SMALL	0	0	SMALL	0	0	0	16	0	16
LARGE	0	0	LARGE	0	0	0	0	0	0
	0	0		0	0	0	16	0	16

DEPARTMENT CODE LIST

TIME : 01-04-2017 16:18

T NO. DEPARTMENT

37

INT COUNTER

LL COLOR

	COPY	PRINT	TOTAL	LIMIT
ALL	0	0	0	
RGE	0	0	0	
	0	0	0	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

ACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
ALL	0	0	0	0	0	
RGE	0	0	0	0	0	
	0	0	0	0	0	0

X COMMUNICATION

SCAN COUNTER

FULL COLOR

TWIN/MONO COLOR

BLACK

	TRANSMIT	RECEPTION		COPY	NETWORK	COPY	COPY	FAX	NETWORK
ALL	0	0	SMALL	0	0	0	0	0	0
RGE	0	0	LARGE	0	0	0	0	0	0
	0	0		0	0	0	0	0	0

EPT NO. DEPARTMENT

42 Bryan, Mary/Hairr

182.80

PRINT COUNTER

ULL COLOR

	COPY	PRINT	TOTAL	LIMIT
SMALL	0	20	20	
LARGE	0	0	0	
	0	20	20	0

TWIN/MONO COLOR

	COPY	PRINT	TOTAL
SMALL	0	0	0
LARGE	0	0	0
	0	0	0

BLACK

	COPY	FAX	PRINT	LIST	TOTAL	LIMIT
SMALL	31	0	863	0	894	
LARGE	0	0	0	0	0	
	31	0	863	0	894	0

FAX COMMUNICATION

SCAN COUNTER

FULL COLOR

TWIN/MONO COLOR

BLACK

	TRANSMIT	RECEPTION		COPY	NETWORK	COPY	COPY	FAX	NETWORK
SMALL	0	0	SMALL	0	2	0	31	0	49
LARGE	0	0	LARGE	0	0	0	0	0	0
	0	0		0	2	0	31	0	49

STATE BAR OF NEVADA

COPY

**YOUR ACCOUNT IS PAST DUE
ANNUAL RENEWAL INVOICE FOR ASSOCIATION OF COUNSEL
RETURN THIS FORM WITH ANY CORRESPONDENCE**

May 30, 2017

Out of State Counsel ID: 39419
John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109



3100 W. Charleston Blvd.
Suite 100
Las Vegas, NV 89102
phone 702.382.2200
toll free 800.254.2797
fax 702.385.2878

9456 Double R Blvd., Ste. B
Reno, NV 89521-5977
phone 775.329.4100
fax 775.329.0522

www.nvbar.org

Case Name: Mary Bryan v Clark County School District

Case Number: A-14-700018-C

Date of Application: May 28, 2015 Renewal Period: 5/28/2016-5/28/2017

Due Date: Payment is due annually on application date.

**YOU ARE REQUIRED TO NOTIFY THE STATE BAR OF IF THIS CASE HAS CLOSED OR IF
YOU HAVE WITHDRAWN.**

Your annual renewal fee pursuant to SCR42(9) is PAST DUE. If your admission status is not resolved within 14 days of this letter, the State Bar of will suspend you.

Check those that apply and complete all subsections applicable.

1. ☒ The case remains pending before a state court. A check payable to the State Bar of Nevada in the amount of \$500 representing the annual renewal fee pursuant to SCR 42 (9) is enclosed.
2. ☐ The above-referenced out-of-state attorney has withdrawn from this case. Therefore, no renewal fee under SCR 42 is applicable.

Date out-of-state counsel withdrew: _____

3. ☐ My party, _____, was dismissed, therefore I will no longer be practicing on this case. Date dismissed: _____

4. ☐ The cause has been finally adjudicated SCR 42(9)(a)(2). Date case closed: _____

5. ☐ Attorney is now licensed within the state of . Please provide bar number. No renewal fee due.

Please return only ONE response via email, fax OR mail. Please do not submit duplicate responses.

Payments/Responses should be mailed or emailed to:
State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100
Las Vegas, NV 89102
Phone 702-317-1424, maryj@nvbar.org

SCOTT LAW FIRM
GENERAL ACCOUNT
 1388 SUTTER ST STE 715
 SAN FRANCISCO, CA 94109

Bank of America
 ACH R/T 121000358

2153

11-35/1210-CA
 91302

6/8/2017

PAY TO THE ORDER OF State Bar of Nevada

\$ **500.00

Five Hundred and 00/100

DOLLARS

State Bar of Nevada
 3100 W. Charleston Blvd.
 Suite 100
 Las Vegas, NV 89102

MEMO Assoc. of Counsel Renewal - Case A-14-700018 C (


 AUTHORIZED SIGNATURE

⑈002153⑈ ⑈121000358⑈ 325014791640⑈

SCOTT LAW FIRM

GENERAL ACCOUNT

2153

State Bar of Nevada
 Client Costs

6/8/2017

Assoc. of Counsel Renewal - Case A-14-700018 C (

500.00

General Checking acc Assoc. of Counsel Renewal - Case A-14-700018

500.00

SCOTT LAW FIRM

GENERAL ACCOUNT

2153

State Bar of Nevada
 Client Costs

6/8/2017

Assoc. of Counsel Renewal - Case A-14-700018 C (

500.00

General Checking acc Assoc. of Counsel Renewal - Case A-14-700018

500.00

EXHIBIT 3

DECLARATION OF CLYDE DEWITT

001708

001708

1 Clyde DeWitt
2 Nevada State Bar No. 9791
3 California State Bar No. 117911
4 Texas State Bar No. 05670700
5 Law Offices of Clyde DeWitt,
6 A Nevada Professional Corporation
7 410 South Rampart Boulevard, Suite 420
8 Las Vegas, NV 89145-5719
9 (702) 386-1756; fax (702) 441-0308
10 clydedewitt@earthlink.net

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**IN THE DISTRICT COURT COURT
FOR THE EIGHT JUDICIAL DISTRICT**

MARY BRYAN, mother of ETHAN
BRYAN; AIMEE HAIRR, mother of
NOLAN HAIRR,

Plaintiffs,

v.

CLARK COUNTY SCHOOL DISTRICT,

Defendant.

Case Number A-14-700018-C

Dept. 27

Hon. Nancy L. Allf

**DECLARATION OF CLYDE
DeWITT IN SUPPORT OF
PLAINTIFF'S APPLICATION
FOR ATTORNEYS FEES**

(28 U.S.C. § 1756; 42 U.S.C. § 1988)

1 **DECLARATION OF CLYDE DeWITT**
2 **IN SUPPORT OF PLAINTIFF'S**
3 **APPLICATION FOR ATTORNEYS FEES**
4 **(28 U.S.C. § 1756; 42 U.S.C. § 1988)**
5

6 I, CLYDE DeWITT, declare as follows:

7 1. I am an attorney, practicing in Clark County, Nevada as indicated above,
8 in connection with which I have, unless otherwise indicated, personal knowledge of
9 the following:
10

11 ***Declarant's Background***

12 2. I have been an attorney for just under 44 years, first admitted in Texas
13 in 1973 after graduating from the University of Houston Law Center, where I served
14 on the Board of Editors of the Houston Law Review and received other honors.¹

15 3. I served as an assistant district attorney in Houston (Office of the Harris
16 County District Attorney) for over seven years after graduating from law school,
17 spending approximately three years in the appellate division and the last
18 approximately two years as general counsel for the district attorney. In the latter
19 position, I was responsible for defending lawsuits against the district attorney and
20 members of his office, as well as some against the Harris County Sheriff's
21 Department. Most all of those those lawsuits were brought pursuant to 42 U.S.C.
22 § 1983 ("section 1983").
23

24 ¹ I was admitted in California 1985, practicing there from then until
25 approximately 2012. I was admitted in Nevada in 2006; and have practiced here since
26 2007. (From 2007 to 2012, I maintained offices in both California and Nevada.)

1 4. From 1980 to 2008, I was associated in one form or another with the
2 Beverly Hills, California firm of Brown, Weston & Sarno and its successor firms.²
3 The focus of that firm was the defense of constitutional rights of individuals and
4 businesses engaged in erotic expression of one form or another. That largely
5 consisted of suits pursuant to section 1983, charging local governments with violation
6 of First Amendment rights or threats to enforce ordinances that would do so.

7 5. During my tenure with that firm, Mr. Weston argued six cases that were
8 granted plenary review in the United States Supreme Court, all involving First
9 Amendment rights and all but one filed under section 1983.³ With the exception of
10 the *Brockett* case, I was substantially involved in the preparation of the petition for
11 certiorari or opposition thereto, the briefs on the merits and the oral argument in each
12 of those cases.

13 6. As lead counsel, while in the district attorneys office, I defended lawsuits
14 based primarily on section 1983 in courts in Houston, primarily United States District
15 Court for the Southern District of Texas, including at least several court trials and one
16 jury trial. In private practice since then (both when with a firm and as a sole
17 practitioner), I have been lead plaintiff counsel in dozens of section 1983 actions,
18

19 ² Some dates being approximate, the firm was Brown, Weston & Sarno
20 from 1980 to 1988; Weston & Sarno from 1988 to 1992, Weston Sarno Garrou &
21 DeWitt from 1991 to 1994; Weston, Garrou & DeWitt from 1994 to 2003; and
22 Weston, Garrou, DeWitt & Walters from 2003 until my departure in early 2008.

23 ³ *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491(1985); *Fort Wayne*
24 *Books, Inc. v. Indiana*, 489 U.S. 46 (1989); *FW/PBS, Inc. v. Dallas*, 493 U.S. 215
25 (1990); *Alexander v. United States*, 509 U.S. 544 (1993); *Erie v. Pap's AM*, 529 U.S.
26 277 (2000); and *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002).
27 All of those cases were brought under section 1983 except Alexander, which was a
28 First Amendment challenge to a criminal forfeiture in connection with RICO-
obscenity convictions.

1 almost all challenging violations of the First and Fourteenth Amendments by local
2 governmental bodies. As to the latter, those lawsuits have been brought in at least ten
3 United States districts⁴ and in several state courts. As lead counsel, I have briefed and
4 argued section-1983 cases in the United States Courts of Appeals for the Fifth,
5 Seventh, Ninth and Eleventh Circuits, as well as several state appellate courts.

6 7. I am a former president and national chair of the First Amendment
7 Lawyers Association.⁵ Over the last 30 years, I have lectured about constitutional
8 rights, regularly to that organization and periodically to others.⁶

9 8. Pursuant to 42 U.S.C. § 1988, I have been awarded in the neighborhood
10 of a million dollars in attorneys fees over the years in various cases, including by
11 settlement.⁷

12 9. Based upon the above, I have become familiar with the rates charged by
13 attorneys in both Southern California and the Las Vegas community, which I have

14
15 ⁴ The ones I can presently recall are the Central, Northern and Southern
16 Districts of California; the Southern District of Florida; the Northern District of
17 Illinois; the District of Arizona; the Northern District of Texas; the Western District
18 of Missouri; the Northern District of Ohio; and the District of Nevada.

19 ⁵ The First Amendment Lawyers Association ("FALA") is a national
20 group that has been in existence since the 1960s. Its membership has varied over the
21 years, averaging about 150 attorneys whose practice substantially involves First
22 Amendment rights. I was an officer of FALA from approximately 1987 to 1992,
23 being the president and national chair between 1990 and 1992.

24 ⁶ Some that come to mind are the Beverly Hills Bar Association; Western
25 Michigan University Cooley Law School in Grand Rapids, MI; Cal. State University
26 – Fullerton; and the Free Speech Coalition.

27 ⁷ The most recent such case that was contested was *Seven Cities*
28 *Enterprises, Inc. v. City of Salinas*, Case No. 5:08-cv-01563-JW, ECF Docket
Document No. 57 (N.D. Cal., June 3, 2009). There, I sought \$425/hour, my then
current rate; and was awarded \$400/hour, a total of \$81,064.00. Notably, the court there
considered, incorrectly I believe, the fact that I was representing a longstanding client at a reduced
\$390/hour rate.

1 found are not materially different. In particular, I am familiar with the fees awarded
2 in section-1983 cases pursuant to 42 U.S.C. § 1988.

3 10. Additionally, I am familiar with the general market for experienced
4 attorneys in the Southern Nevada and Southern California markets.

5 11. Accordingly, believe that I am capable of evaluating the value of
6 attorney services provided in section-1983 cases in Clark County, Nevada.

7 12. Constitutional law in general and lawsuits under section 1983 in
8 particular are substantial specialties, as much as patent law, trademark law, copyright
9 law and so on. Because the conflict between government, with its instinct to maintain
10 order and the individual liberties granted under the Bill of Rights and federal statutes,
11 many conflicts in this area (including quite a few) are associated with strong political
12 and emotional issues. As such, appellate courts, and particularly the Supreme Court,
13 many times tend to decide cases influenced by political beliefs. Accordingly, analysis
14 of precedent in this area is remarkably complex.

15
16 ***Declarant's Familiarity with Plaintiff's Counsel, Allen Lichtenstein***

17 13. I have known Allen Lichtenstein for at least 15 years. During those
18 years, I have on many occasions discussed issues concerning constitutional rights
19 with him as we each are involved with such litigation; and, accordingly, we often
20 seek ideas from each other about such matters. Additionally, we each are members
21 of FALA, where I have attended quite a few of his lectures. Those impressed me as
22 being thorough, well-researched and including insightful analysis.

23 14. Most significantly, Mr. Lichtenstein and I were involved together in the
24 trial of *S.O.C., Inc., et al. v. Clark County*, No. 2:97-cv-00123-LDG-RJJ, in the
25

1 United States District Court for the District of Nevada. There, I represented Plaintiff
2 Hillsboro Enterprises, Inc.; Mr. Lichtenstein represented Intervener American Civil
3 Liberties Union of Nevada. Accordingly, we worked together, as we were aligned
4 with the same objectives.

5 15. I had the opportunity to review Mr. Lichtenstein's written work in that
6 case, which was absolutely outstanding, and his conduct of the trial, which also was
7 excellent. Particularly, his written work was as thorough and concise as any I have
8 seen.

9
10 ***This Case***

11 16. In the above-captioned matter, I have reviewed the First Amended
12 Complaint (October 10, 2014), Plaintiffs' Pre-Trial Memorandum (November 8,
13 2016); the Court's Decision and Order (June 29, 2017); and the Findings of Fact and
14 Conclusions of Law (July 20, 2017).

15 17. Having done so, I find that Plaintiffs' counsel has accomplished an
16 excellent result in vindicating the rights of victims of violations of the Constitution
17 and federal law. The written work is excellent, typifying Mr. Lichtenstein's abilities.

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Page 6

DECLARATION OF CLYDE DeWITT

CD

Case Number A-14-700018-C

1 18. I am told that Mr. Lichtenstein seeks \$600/hour pursuant to 42 U.S.C.
2 § 1988. Based upon the above, I believe that to be a reasonable request.⁸

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

5 Signed this 5th day of August, 2017.

6
7 
8 _____
9 Clyde DeWitt
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21 ⁸ I note, as an aside, that the Laffey Matrix assigns rates well over
22 \$500/hour for Washington D.C. and, particularly Southern California for attorneys,
23 such as Mr. Lichtenstein, with over 20 years experience.

24 www.justice.gov/usao/dc/divisions/civil.html

25 <http://www.callawyer.com/2015/11/how-to-prove-an-attorneys-reasonable-hourly-rates/>
26

27 Page 7

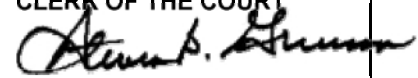
28 DECLARATION OF CLYDE DeWITT

(CD)

Case Number A-14-700018-C

40

40



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*Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,
Aimee Hairr and Nolan Hairr*

DISTRICT COURT
CLARK COUNTY, NEVADA

MARY BRYAN, mother of ETHAN BRYAN;
AIMEE HAIRR, mother of NOLAN HAIRR,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
(CCSD)

Defendant .

Case No. A-14-700018-C

Dept. No. XXVII

**ERRATA TO
PLAINTIFFS' MOTION FOR
ATTORNEYS FEES AND COSTS**

Department: XXVII

Trial Dates: Day1, 11/15/16; Day 2,
11/16/16; Day 3, 11/17/16; Day 4, 11/18/16;
Day 5. 11/22/16

Plaintiffs' Motion for Attorneys Fees and Costs, filed August 9, 2017 inadvertently
omitted the Notice of Motion. A corrected version with the Notice is attached.

Dated this 10th day of August 2017,

Respectfully submitted by:

/s/Allen Lichtenstein
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Nevada Bar No. 3992
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15 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
 16 *Aimee Hairr and Nolan Hairr*

17 DISTRICT COURT
 18 CLARK COUNTY, NEVADA

19 MARY BRYAN, mother of ETHAN BRYAN;
 20 AIMEE HAIRR, mother of NOLAN HAIRR,

21 Plaintiffs,

22 vs.

23 CLARK COUNTY SCHOOL DISTRICT
 24 (CCSD

25 Defendant .

Case No. A-14-700018-C

Dept. No. XXVII

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

Department: XXVII

Trial Dates: Day1, 11/15/16; Day 2,
 11/16/16; Day 3, 11/17/16; Day 4, 11/18/16;
 Day 5, 11/22/16

26 Come now Plaintiffs, by and through the undersigned attorneys, and file this Plaintiffs'
 27 Motion for Attorneys Fees and Costs based on all pleadings and papers on file herein, and the
 28 Memorandum of Law attached hereto, and any further argument and evidence as may be presented
 at hearing.

Dated this 9th day of August 2017,

Respectfully submitted by:

1 /s/Allen Lichtenstein
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18 *Aimee Hairr and Nolan Hairr*
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13			
14	1.	The qualities of the advocate: ability, training, education, experience, professional standing and skill;	18
15			
16	a.	Allen Lichtenstein	18
17	b.	John H. Scott	19
18	c.	Staci Pratt	20
19	d.	Amanda Morgan	20
20	2.	The character and difficulty of the work performed: Its difficulty, its intricacy, its importance, time and skill required, and responsibility imposed and the comments and character of the parties where they effect the importance of the litigation	20
21			
22	3.	The work actually performed by the lawyer: the skill, time and attention given to the work;	21
23			
24	a.	Allen Lichtenstein	21
25	b.	John H. Scott	21
26	c.	Staci Pratt	22
27	d.	Amanda Morgan	22
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4. The result: whether the attorney was successful and what
benefits were derived. 22

IV. Plaintiffs are entitled to an award of costs. 23

A. Plaintiffs are entitled to recover the costs of litigation. 23

B. Plaintiffs are entitled to attorney fees in connection to the Motion for
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Plaintiffs move pursuant to 42 U.S.C. § 1988 for an award of reasonable attorneys fees and costs, in the following amounts: \$249,270.00 in attorneys fees for John H. Scott; \$414,460 in attorneys fees for Allen Lichtenstein (as a private attorney); \$10,980 in attorneys fees for Staci Pratt (as a private attorney); and, \$19,356.25 in attorneys fees for the ACLU of Nevada (ACLUN) for a total of \$694,071.25 in attorneys' fees, and costs in the amount of \$22,619.81 for a total of \$716,691.06.

As explained below, Plaintiffs are prevailing parties in this case. Accordingly, Plaintiffs' counsel are entitled to be fully compensated for their time and expenses. The fees and costs claimed by Plaintiffs' attorneys are set forth in attachments to the Declarations of John H. Scott, Esq. (Exhibit 1) and Allen Lichtenstein, Esq. (Exhibit 2).

II. Procedural History

Plaintiffs filed their initial Complaint on April 29, 2014, against Defendants: Clark County School District (CCSD), Pat Skorkowsky, in his official capacity as CCSD Superintendent; CCSD Board of School Trustees; Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, in their official capacities as CCSD Board of School Trustees, Greenspun Jr. High School (GJHS); Principal Warren P. McKay, in his individual and official capacity as principal of GJHS; Leonard DePiazza, in his individual and official capacity as assistant principal at GJHS; Cheryl Winn, in her individual and official capacity as Dean at GJHS; John Halpin, in his individual and official capacity as counselor at GJHS; Robert Beasley, in his individual and official capacity as instructor at GJHS.

The Complaint listed five claims for relief: 1) Negligence; 2) Negligence Per Se; 3) Violation of Title IX; 4) Violation of the Right to Equal Protection; 5) Violation of Substantive

1 Due Process clause of the Fourteenth Amendment to the United States Constitution. Plaintiffs
2 were represented by Allen Lichtenstein, General Counsel of the ACLU of Nevada (ACLUN);
3 Staci Pratt, the ACLUN's Legal Director, and Amanda Morgan, staff attorney, aided by interns.

4 On or about July 31, 2014, all three lawyers for Plaintiffs left the ACLUN. Mr.
5 Lichtenstein and Ms. Pratt substituted in, continuing to represent Plaintiffs as private attorneys.
6 Ms. Pratt left Nevada and moved to Kansas City. She switched her Nevada Bar membership to
7 inactive status. Ms. Pratt's last work on this case was on December 2, 2014.

8 On August 21, 2014 a Hearing was held on Defendants' Motion to Dismiss Plaintiffs'
9 Complaint, that was granted in part and denied in part. The Court denied Defendants' Motion to
10 Dismiss Plaintiffs' Substantive Due Process claim, and granted the Motion on all other claims
11 without prejudice. The Order was entered on September 10, 2014.

12 On October 10, 2014, Plaintiffs filed their Amended Complaint. In its February 10, 2015
13 Order, the Court Dismissed Plaintiffs' Claims for Relief No. 1, Negligence, and No. 2, Negligence
14 Per Se. Plaintiffs abandoned their Fourth Claim for Relief, Equal Protection, leaving the Third
15 Claim for Relief, Title IX, and Fifth Claim for Relief, Substantive Due Process, for trial.
16 Defendants filed their Answer on February 25, 2015.

17 On July 7, 2015 the Court granted Plaintiffs' Motion to Associate Counsel. John H Scott
18 entered the case, pro hac vice, on behalf of Plaintiffs, joining Allen Lichtenstein.

19 On March 1, 2016, Defendants filed a Motion for Summary Judgment, which was granted
20 in part and denied in part by the Court in its July 22, 2016 Order. The Court denied Defendants'
21 Motion to dismiss Plaintiffs' Title IX claim against Defendant CCSD. It dismissed the 42 U.S.C. §
22 1983 Equal Protection claims, which had been abandoned by Plaintiffs. The Court granted
23 Defendants' Motion to dismiss all Defendants except CCSD from the 42 U.S.C. § 1983
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1 Substantive Due Process claim. Overall, the Court ruled the two remaining claims against CCSD,
2 1) Title IX; and 2) Substantive Due Process would proceed to trial.

3 On February 10, 2016, the Court denied Defendants' Motion to Compel Rule 35
4 Examination. On or about March 20, 2016, Discovery Commissioner Bulla denied Defendants'
5 Motion to Compel Damages Categories and Calculations, allowing such calculations to be
6 determined by the Court at trial. The Discovery Commissioner's Report and Recommendations
7 were affirmed and adopted by the Court on April 6, 2016.

9 On August 5, 2016, Defendant CCSD filed a Motion for Partial Reconsideration, or in the
10 Alternative, Motion for Relief Pursuant to N.R.C.P. 59(E), N.R.C.P. 60(A) and N.R.C.P. 60(B),
11 or Motion in Limine. On October 26, 2016 the Court denied Defendant's Motion.

12 On November 15, 2016, a five-day bench trial was held in Department 27 before the
13 Honorable Judge Nancy L. Allf. Allen Lichtenstein, Esq. and John Houston Scott, Esq. appeared
14 for and on behalf of Plaintiffs Mary Bryan ("Mrs. Bryan") and Aimee Hairr ("Mrs. Hairr"),
15 (collectively Plaintiffs"). Daniel Polsenberg, Esq., Dan Waite, Esq., and Brian D. Blakley, Esq.
16 appeared for and on behalf of Defendant CCSD, ("Defendant") on the Title IX and 42 U.S.C. §
17 1983 Substitute Due Process claims. Testimony was given by: Nolan Hairr, Ethan Bryan, Aimee
18 Hairr, Mary Bryan, Principal Warren McKay, Vice Principal Leonard DePiazza, Dean Cheryl
19 Winn, Counselor John Halpin and band teacher Robert Beasely. Although neither one of the
20 alleged bullies testified, CL's deposition was introduced into evidence. (For privacy purposes,
21 only the initials of CL and DM are used.)
22

23 Closing arguments were done via written briefs. Briefing was completed on May 26, 2017.
24 On June 29, 2017, the Court issued its Decision and Order, concluding that Defendant CCSD
25 violated both Title IX of the Civil Rights Act and also violated Plaintiffs' Substantive Due Process
26 rights as guaranteed by the Fourteenth Amendment to the United States Constitution pursuant to
27
28

1 42 U.S.C. § 1983. The Court further ordered that after review, "Judgment shall be entered in favor
2 of Plaintiffs Mary Bryan, on behalf of Ethan Bryan and Aimee Hairr on behalf of Nolan Hairr, and
3 that Plaintiffs are entitled to a judgment for all damages sought under these two claims asserted in
4 the Complaint, and proven at trial."

5 On July 21, 2017 the Court filed its Findings of Fact and Conclusions of Law and
6 Judgment. On July 27, 2017 Plaintiffs Filed their Memorandum of Costs and Disbursements. A
7 hearing is scheduled on Defendants' July 31, 2017 Motion to Retax on September 6, 2017.

9 **III. Argument**

10 **A. Plaintiffs are prevailing parties and are entitled to attorney fees and costs.**

11 The Civil Rights Attorney Fee Awards Act of 1976 provides in pertinent part that: "In any
12 action or proceeding to enforce a provision of sections 1981, 1981 a, 1982, **1983**, 1985, and 1986
13 of this title, **title IX** of Public Law 92-318 [20 U.S.C.A. § 1681 et seq.] ... the court, in its
14 discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee
15 as part of the costs[.]" 42 U.S.C. § 1988(b). (emphasis added) The legislative history makes clear
16 that prevailing parties "should ordinarily recover an attorney's fee unless special circumstances
17 would render such an award unjust."]; *Hensley v. Eckerhart*, 461 US. 424, 429 (1983), quoting S.
18 Rep. No. 941011, at 4 (1976) and *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402
19 (1968). Thus, under the Act the District Court may award reasonable attorney's fees to the
20 Prevailing Party in a Section 1983 action and/or a Title IX action. Under Section 1988, in order for
21 a prevailing plaintiff to be entitled to an award of attorneys' fees said plaintiff must obtain an
22 enforceable judgment from the court. *Farrar v. Hobby*, 506 U.S. 103, 111 (1992); *CRST Van*
23 *Expedited, Inc. v. EEOC*, 136 S. Ct. 1642, 1646 (2016).

24 Congress has included the term "prevailing party" in various fee-shifting statutes,
25 and it has been the Court's approach to interpret the term in a consistent manner.
26 See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res.*,
27 532 U. S. 598, 602, 603, and n. 4, 121 S. Ct. 1835, 149 L. Ed. 2d 855 (2001). The
28

1 Court has said that the "touchstone of the prevailing party inquiry must be the
2 material alteration of the legal relationship of the parties." *Texas State Teachers*
3 *Assn.*, 489 U.S. 782, 792-793, 109 S. Ct. 1486, 103 L. Ed. 2d 866 (1989). This
4 change must be marked by "judicial imprimatur." *Buckhannon*, 532 U. S., at 605,
5 121 S. Ct. 1835, 149 L. Ed. 2d 855. The Court has explained that, when a plaintiff
6 secures an "enforceable judgment on the merits" or a "court-ordered consent
7 decree," that plaintiff is the prevailing party because he has received a "judicially
8 sanctioned change in the legal relationship of the parties." *Id.*, at 604-605, 121 S.
9 Ct. 1835, 149 L. Ed. 2d 855.

10 136 S. Ct. at 1646.

11 Generally, Plaintiffs cross the prevailing party threshold "if they succeed on any significant
12 issue in litigation which achieves some of the benefit the parties sought in bringing the suit." *Texas*
13 *State Teachers' Association v. Garland Independent School Dist.*, 489 U.S. at 789. In the case at
14 bar, Plaintiffs prevailed when this Court gave Plaintiffs the relief sought. In *Saint John's Organic*
15 *Farm v. Gem Cty. Mosquito Abatement Dist.*, 574 F.3d 1054, 1059 (9th Cir. 2009), the Ninth
16 Circuit noted that the Supreme Court in *Farrar, supra*, made clear how little actual relief is
17 necessary. *See also, Hashimoto v. Dalton*, 118 F.3d 671, 677 (9th Cir. 1997) ("The degree of
18 success is irrelevant to the question whether the plaintiff is the prevailing party."). *See also, Stivers*
19 *v. Pierce*, 71 F.3d 732, 751 (9th Cir. 1995).

20 The Nevada Supreme Court follows this standard. *Univ. of Nev. v. Tarkanian*, 110 Nev.
21 581, 590, 879 P.2d 1180, 1186 (1994) ("As a general rule, a prevailing plaintiff may recover
22 reasonable attorney's fees as costs under section 1988 unless the losing defendant can establish the
23 existence of special circumstances which would make the award unjust."), *See also, Cuzze v.*
24 *Univ. & Cmty. Coll. Sys.*, 123 Nev. 598, 604, 172 P.3d 131, 136 (2007); *Lippis v. Peters*, 112
25 Nev. 1008, 1014, 921 P.2d 1248, 1252 (1996).

26 Here, Plaintiffs were successful in obtaining Judgment in their favor on both the Title IX
27 violation and the Substantive Due Process violation claims, with each Plaintiff receiving damages
28 in the amount of \$200,000. Thus, Plaintiffs are unquestionably the prevailing parties in this case

1 and are therefore entitled to an award of attorneys' fees and costs. *See, Jeff D. V. Kempthorne*, 365
 2 F.3d 844, 855 (9th Cir. 2004); *Democratic Party of Wahington State v. Reed*, 388 F.3d 1281, 1288
 3 (9th Cir. 2004); *Fisher v. SJB-P.D. Inc.*, 214 F.3d 1115, 1118 (9th Cir. 2000).

4 **B Plaintiffs are entitled to a fully compensatory fee.**

5 Once a Plaintiff has been determined to be a prevailing party, "[t]he most useful starting
 6 point for determining the amount of a reasonable fee is the number of hours reasonably expended
 7 on the litigation multiplied by a reasonable hourly rate." *Hensley*, 461 U.S. at 433. "[T]he 'product
 8 of reasonable hours times a reasonable rate' [known as the 'lodestar'] normally provides a
 9 'reasonable' fee within the meaning of the statute." *Blum v. Stenson*, 465 U.S. 886, 897 (1984)
 10 (quoting *Hensley*, 461 U.S. at 434); *Van Gerwen v. Guarantee Mut. Life Co.*, 214 F.3d 1041, 1045
 11 (9th Cir. 2000); *Tahara v. Matson Terminals, Inc.*, 511 F.3d 950, 955-56 (9th Cir. 2007). "Where a
 12 plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.
 13 Normally this will encompass all hours reasonably expended on the litigation[.]" *Hensley*, 461
 14 U.S. at 435. *Herbst v. Humana Health Ins.*, 105 Nev. 586, 781 P.2d 762, (1989).

15 The correct method for determining the amount of attorney's fees under federal
 16 statutes has been decided by the United States Supreme Court and other federal
 17 courts. HN2 After a court has determined that attorney's fees are appropriate it then
 18 must multiply the number of hours reasonably spent on the case by a reasonable
 19 hourly rate to reach what is termed the lodestar amount. *Pennsylvania v. Delaware*
 20 *Valley Citizens' Council for Clean Air*, 478 U.S. 546, 564-566 (1986); *Patton v.*
 21 *County of Kings*, 857 F.2d 1379, 1382 (9th Cir. 1988); *Southerland v. International*
 22 *Longshoremen's and Warehousemen's Union*, 845 F.2d 796, 800-801 (9th Cir.
 23 1988). There is a strong presumption that the lodestar rate is reasonable. *Delaware*
 24 *Valley Citizens*, 478 U.S. at 565; *Patton*, 857 F.2d at 1382.

25 105 Nev. at 590, 781 P.2d at 764.

26 Under the lodestar method, "a district court must start by determining how many hours
 27 were reasonably expended on the litigation, and then multiply those hours by the prevailing local
 28 rate for an attorney of the skill required to perform the litigation." *Moreno v. City of Sacramento*,

1 534 F.3d 1106, 1111 (9th Cir. 2008); *Tahara*, 511 F.3d at 955. There is a strong presumption that
2 the lodestar is a reasonable fee. *Gates v. Deukmejian*, 987 F.2d 28 1392, 1397 (9th Cir. 1992).

3 Plaintiffs are presumptively entitled to the lodestar even if it exceeds the damages award.
4 See *Fair Housing of Marin v. Combs*, 285 F.3d 899, 908 (9th Cir. 2002) (attorney's fees in civil
5 rights cases need not be proportionate to the amount of damages a plaintiff recovers) (*citing City*
6 *of Riverside v. Rivera*, 477 U.S. 561 (1986) (affirming a \$245,456.25 fee award in a case where
7 plaintiff recovered \$33,350)); *Morales v. City of San Rafael*, 96 F.3d 359 (9th Cir. 1996) (district
8 court's award of attorney's fees of only \$20,000 after civil rights plaintiff had won compensatory
9 damages of \$17,500 was calculated improperly and too low; Plaintiff included "extensive and
10 detailed explanations as to why the lodestar figure of \$134,759.75 was a reasonable fee in this
11 case"); *Quesada v. Thomason*, 850 F.2d 537 (9th Cir.1988) (holding that in a civil rights case the
12 district court "should not have reduced the attorney's fees simply because the damage award was
13 small").

14
15
16 A rule of proportionality that would limit fee awards under Section 1988 to a proportion of
17 the damages recovered in the underlying suit is inconsistent with the flexible approach to lodestar
18 calculations that takes into account all considerations relevant to the reasonableness of the time
19 spent." *Oberfelder v. City of Petaluma*, No. C-98-1470, 2002 WL 472308, *10 (N.D. Cal. Jan.
20 29,2002) (Patel, J.) (*citing Cunningham v. County of Los Angeles*, 879 F.2d 19 481,486 (9th Cir.
21 1988)), The amount of damages recovered by the plaintiffs is not the sole indicator of the extent
22 of their success. *Morales*, 96 F.3d at 364. "[A] civil rights plaintiff seeks to vindicate important
23 civil and constitutional rights that cannot be valued solely in monetary terms." *City of Riverside*,
24 477 U.S. at 574. "[T]he district court must consider the excellence of the overall result, not merely
25 the amount of damages won." *McCown v. City of Fontana*, 565 F.3d 1097, 1103 (9th Cir. 2009).
26 In *Morales*, a civil rights plaintiff prevailed against the city and the police officer involved in his
27
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1 unlawful arrest. 96 F.3d at 364. The Ninth Circuit held that his "nonmonetary success was
2 significant." *Id.* "Because [the jury] assessed damages against the defendants, the verdict
3 established a deterrent to the City, its law enforcement officials and others who establish and
4 implement official policies governing arrests of citizens. Thus, it served the public purpose of
5 helping to protect Morales and persons like him from being subjected to similar unlawful
6 treatment in the future." *Id.* In fact, in some cases of exceptional success an enhanced award or
7 multiplier may be justified. *Blum*, 465 U.S. at 897.

9 The reasonable fee award in this case "should consider not only the monetary results, but
10 also the significant nonmonetary results" that the plaintiffs achieved for themselves and for "other
11 members of society." *Morales*, 96 F.3d at 365. *See also Gonzalez v. City of Maywood*, 729 F.3d
12 1196, 1209-10 (9th Cir. 2013) ("[i]t is not per se unreasonable for attorneys to receive a fee award
13 that exceeds the amount recovered by their clients," which is "especially true in civil rights cases,
14 where the dollar amount lawyers recover for their clients is not the sole measure of the results the
15 prevailing parties' attorneys obtained."). The instant case is precedent – setting in that it is the first
16 successful lawsuit against CCSD for acting with deliberate indifference to school bullying it had
17 actual knowledge of. That precedent may provide public benefits that extend far beyond the
18 individual Plaintiffs here.

20
21 **1. The hourly rates sought by Plaintiffs' counsel are reasonable.**

22 The Supreme Court has stated that, "where a plaintiff has obtained excellent results, his
23 attorney should recover a fully compensatory fee. Normally this will encompass all hours
24 reasonably expended on the litigation, and indeed in some cases of exceptional success an
25 enhanced award may be justified." *Hensley*, 461 U.S. at 435. Plaintiffs' attorneys seek
26 compensation for all hours reasonably expended on the litigation which contributed to Plaintiffs'
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1 ultimate success. See *Democratic Party of Washington State v. Reed*, 388 F.3d 1281, 1286-87 (9th
2 Cir. 2004).

3 Ordinarily, the attorney fee rate to be utilized under 42 U.S.C. § 1988 is the
4 prevailing market rate for an attorney of similar experience and skill in the forum
5 community. *Blum*, 465 U.S. at 895; *Pressley v. Haeger*, 977 F.2d 295, 299 (7th Cir.
6 1992). Prevailing plaintiffs are entitled not to a "just" or "fair" price for legal
7 services, but to the market price for legal services. *Burlington v. Dague*, 505 U.S.
8 557 (1992); *Missouri v. Jenkins*, 491 U.S. 274, 285, (1989); *Blum* 465 U.S. at
9 892-96. "It is not the function of judges in fee litigation to determine the
equivalent of the medieval just price. It is to determine what the lawyer would
receive if he were selling his services in the market rather than being paid by court
order." *In re Continental Illinois Securities Litigation*, 962 F.2d 566, 568 (7th Cir.
1992).

10 977 F.2d at, 299.

11 Mr. Scott seeks compensation at a rate of \$650 and Mr. Lichtenstein at the rate of \$600 per
12 hour. This is reasonable and is comparable to the market rates charged by attorneys of similar skill
13 and experience in the District of Nevada in a matter concerning complex civil rights and
14 constitutional issues. (See attached Declaration of Clyde DeWitt, Exhibit 3).

15 The rates for Ms. Pratt is \$450 per hour; \$250 per hour for Ms. Morgan, and \$125 per hour
16 for ACLUN interns.

18 **2. Plaintiffs seek fees for a reasonable number of hours.**

19 In determining what constitutes a reasonable number of hours, the Court is to consider the
20 factors set forth in *Kerr v. Screens Extras Guild Inc.*, 526 F.2d 67, 70 (9th Cir. 1975), cert. denied.
21 425 U.S. 951 (1976). The factors to be considered are: (1) the time and labor required, (2) the
22 novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service
23 properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5)
24 the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the
25 client or the circumstances, (8) the amount involved and the results obtained, (9) the experience,
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1 reputation, and ability of the attorneys, (10) the "undesirability" of the case, (11) the nature and
2 length of the professional relationship with the client, and (12) awards in similar cases.

3 In the instant case, the time and labor required are set forth in the attachments to the
4 declarations of John Scott and Allen Lichtenstein. The hours listed in the fee request are neither
5 duplicative, unnecessary nor excessive. *See, Hensley* at 434. The case involved a myriad of
6 statutory and constitutional issues and involved both disputes of law and fact. Because these
7 issues involve basic rights it was essential the case be litigated thoroughly and meticulously.
8

9 Not only were the rights of the named plaintiffs at stake but the rights of parents with
10 children in the Clark County School District and also to the entire public. Both Mr. Scott and Mr.
11 Lichtenstein have decades of experience in civil rights litigation. This case involved significant
12 motion practice, as well as a five day trial. The number of hours the Plaintiffs seek compensation
13 for is reasonable under the *Kerr* factors.
14

15 3. Contingent risk

16 The case was undertaken on a pure contingency basis. Although by itself, the fact that a
17 case is a contingency one is not an independent factor to be considered, it should be part of the
18 lodestar factor analysis. *City of Burlington, supra*.

19 We note at the outset that an enhancement for contingency would likely duplicate
20 in substantial part factors already subsumed in the lodestar. The risk of loss in a
21 particular case (and, therefore, the attorney's contingent risk) is the product of two
22 factors: (1) the legal and factual merits of the claim, and (2) the difficulty of
23 establishing those merits. The second factor, however, is ordinarily reflected in the
24 lodestar -- either in the higher number of hours expended to overcome the
25 difficulty, or in the higher hourly rate of the attorney skilled and experienced
26 enough to do so. *Blum v. Stenson*, 465 U.S. 886, 898-899 (1984).

27 505 U.S. at 562-63.

28 **C. Under the *Brunzell* standards, Plaintiffs' attorneys should receive the full lodestar amount.**

1 In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), the
2 Nevada Supreme Court listed four factors to be considered in “establishing the value of counsel
3 services”: (1) the qualities of the advocate: his ability, his training, education, experience,
4 professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy,
5 its importance, time and skill required, the responsibility imposed and the prominence and
6 character of the parties where they affect the importance of the litigation; (3) the work actually
7 performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the
8 attorney was successful and what benefits were derived. Here, all of the *Brunzell* factors favor the
9 awarding of the full lodestar amount of attorneys fees.

11 **1. The qualities of the advocate: ability, training, education,
12 experience, professional standing and skill;**

13 Plaintiffs were originally represented by the ACLU of Nevada which is the premier civil
14 rights organization in the State. After Mr. Lichtenstein and Ms. Pratt left the ACLUN, the two
15 primary attorneys for Plaintiffs were, Allen Lichtenstein, in his capacity as a private attorney, and
16 John H. Scott. Both are well respected advocates with decades of experience in complex litigation,
17 including federal civil rights claims.

19 **a. Allen Lichtenstein**

20 Allen Lichtenstein was licensed to practice law in Nevada in 1990 (Bar No. 3992) and in
21 California in 1991, after the receiving a J.D. degree from the Benjamin Cardozo School of Law in
22 New York. Prior to that, he a received a Ph.D. in the field of Communication from Florida State
23 University, in 1978. He has been on the faculty of SUNY at Buffalo, the University of New
24 Mexico and Brooklyn College in the field of journalism and communication. He has also taught
25 First Amendment classes at UNLV. In addition to his private law practice, Dr. Lichtenstein was
26 the General Counsel for the American Civil Liberties Union of Nevada from 1997 to 2014.
27
28

1 Mr. Lichtenstein has litigated dozens of cases involving civil rights issues on both the
2 District Court and appellate levels, and has litigated and argued civil rights cases in Nevada State
3 Courts, including the Nevada Supreme Court, and in Federal Courts including the Court of
4 Appeals for the Ninth Circuit, and the United States Supreme Court.

5
6 **b. John H. Scott**

7 Mr. Scott graduated from Golden Gate University School of Law in June 1976. He is
8 admitted to practice in the State of California, the United States District Court for the Northern
9 District of California, United States District Court for the Central District of California, the United
10 States District Court for the Eastern District of California, the United States District Court for the
11 Southern District of California, the United States Court of Appeals for the Ninth Circuit, and the
12 Supreme Court of the United States.

13 In the 40 years he has been a member of the Bar, he has been involved in over 250 cases
14 spanning the broad spectrum of civil rights and constitutional law, including extensive experience
15 litigating against public entities.

16
17 Mr. Scott is listed as counsel over 150 cases in the Northern District of California and 60
18 cases in the Ninth Circuit. He has tried over 150 cases to verdict, and has argued in the Ninth
19 Circuit Court of Appeals over 40 times. For most of Mr. Scott's career he has specialized in civil
20 rights litigation with an emphasis on Section 1983 actions. He has also lectured, written, and
21 consulted about civil rights litigation.

22
23 His forty years of practice as a civil rights attorney has also involved numerous Section
24 1983 cases that were based in whole, or in part, on a theory of "deliberate indifference." This
25 often arose in custodial type situations where children, patients or inmates were dependent upon
26 state actors for their safety and well-being. The common theme was a statutory and/or
27 constitutional duty to protect someone from a known risk of serious harm. In recent years Mr.
28

1 Scott has also associated as co-counsel (pro hoc vice) outside of California in Arizona, Colorado
2 and Florida. This was the first case that went to trial in Nevada.

3 **c. Staci Pratt**

4 Staci Pratt graduated from Boston College School of Law and practiced with Shook, Hardy
5 and Bacon for 10 years. Staci Pratt was hired by the ACLUN in November of 2011. She assisted
6 in the initiation of this case and all of the base research and work until her departure from the
7 ACLU of Nevada in 2014. She continued to work on this case in cooperation with Allen
8 Lichtenstein and is the current Executive Director at Missourians for Alternatives to the Death
9 Penalty.
10

11 **d. Amanda Morgan**

12 Amanda Morgan graduated from the Boyd School of Law in 2013. Amanda was hired in
13 2013 as a staff attorney with the ACLU of Nevada. She interned with the ACLU of Nevada in
14 2012. Amanda Morgan is the current Legal Director for Education Nevada Now.
15

16 **2. The character and difficulty of the work performed: Its**
17 **difficulty, its intricacy, its importance, time and skill required,**
18 **and responsibility imposed and the comments and character of**
the parties where they effect the importance of the litigation;

19 As this court is well aware, the issues presented pertain to the laws concerning Title IX
20 and Substantive Due Process as they relate to the responsibility of school officials to protect their
21 students from bullying. How the facts of this case related to that law were complex, difficult, and
22 took substantial knowledge and skill by Plaintiffs' attorneys. The attorneys retained by Plaintiffs
23 had to be well versed, not only in trial advocacy, but also in the intricacies of Title IX and
24 Substantive Due Process law pursuant to 42 U.S.C. § 1983.
25

26 This case is precedent setting, as it is the first time that CCSD was successfully sued for
27 failing to protect students from intense, pervasive and continuing bullying. It should be noted that
28

1 the Court itself commented on what it viewed as the “highest skill and utmost professionalism”
2 demonstrated by the lawyers in this case, (Trial Transcript, Day 5, at 67).

3 The ACLU of Nevada (ACLUN) represented the Plaintiffs at the outset of the case, until
4 the end of July 2014. Allen Lichtenstein and Staci Pratt, along with Amanda Morgan were the
5 attorneys for the ACLUN. Mr. Lichtenstein and Ms. Pratt then continued to represent Plaintiffs
6 after leaving the ACLU of Nevada. Shortly thereafter, on or about December 2, 2014, Ms. Pratt
7 left Nevada and her Nevada Bar membership went inactive. Mr. Lichtenstein continued
8 representation of Plaintiffs by himself until Mr. Scott entered the case pro hac vice on July 7,
9 2015. Mr. Lichtenstein and Mr. Scott represent Plaintiffs to this day, including a 5-day bench trial
10 and extensive pre-trial and post trial briefing, including extensive written closing arguments. On
11 July 20, 2017, the Court issued its Findings of Fact and Conclusions of Law and Judgment in
12 favor of Plaintiff, awarding each Plaintiff the sum of \$200,000.
13

14
15 **3. The work actually performed by the lawyer: the skill, time and**
16 **attention given to the work;**

17 Although four separate attorneys represented Plaintiffs at one time or other during this
18 case, the bulk of the work was done by two lawyers: Allen Lichtenstein and John H. Scott.

19 **a. Allen Lichtenstein**

20 Allen Lichtenstein entered the case as Plaintiffs’ counsel at its commencement, in his
21 capacity as General Counsel for the ACLUN. Since July 31, 2014, he has continued this
22 representation as a private attorney, where he has accumulated 690.77 hours of work on this case,
23 at a rate of \$600 per hour for a total of \$414,460.00 (See Declaration of Allen Lichtenstein,
24 Exhibit 2). As set forth in Mr. Lichtenstein’s attached Declaration, he was responsible for the bulk
25 of the extensive briefing, including the written closing briefs, and served as second chair during
26 the trial. He was also responsible for discovery, witness and trial preparation.
27

28 **b. John H. Scott**

1 John H. Scott, a licensed California lawyer, entered the case pro hac vice on July 7, 2015.
2 He was associated in because of his extensive background in trying civil rights cases. At the time
3 Mr. Scott entered the case, Mr. Lichtenstein was the sole counsel for Plaintiffs. Mr. Scott has
4 accumulated 383.50 hour of work on this case, at a rate of \$650 per hour for a total of
5 \$249,275.00. (See, Declaration of John H. Scott. Exhibit 1). As set forth in Mr. Scott's attached
6 Declaration he was responsible for conducting the trial. He was also involved in trial preparation,
7 discovery, depositions and briefing.
8

9 **c. Staci Pratt**

10 Staci Pratt entered the case as Plaintiffs' counsel at its commencement, in her capacity as
11 Legal Director for the ACLUN. Between July 31, 2014 and December 2, 2014, she represented
12 Plaintiffs as a private attorney, where she accumulated 20.8 hour of work on this case, at a rate of
13 \$450 per hour for a total of \$10,980.00 (See Declaration of Allen Lichtenstein, Exhibit 2) Staci
14 Pratt was involved early in the case with client contact, helping to draft the original Complaint and
15 the Opposition to the Motion to Dismiss, and the Amended Complaint.
16

17 **d. Amanda Morgan**

18 Amanda Morgan was involved in the early stages of the case with the ACLUN. She
19 assisted with background research and client meetings for this case. (See Declaration of Allen
20 Lichtenstein, Exhibit 2). All of her work was through the ACLUN through July 2014, where she
21 accrued 31.95 hours at a rate of \$225 per hour, totaling \$7,188.75. The ACLUN also utilized interns
22 at the rate of \$125 per hour for 20.3 hours, totaling \$2,537.50.
23

24 **4. The result: whether the attorney was successful and what benefits were**
25 **derived.**

26 The success of the efforts of Plaintiffs' attorneys is unambiguous. Plaintiffs prevailed on
27 both of the claims for relief, at trial and each received damages in the sum of \$200,000. Plaintiffs'
28

1 victory was complete. However, in pursuing their case, Plaintiffs incurred significant attorneys
2 fees that are the subject of this motion.

3 **IV. Plaintiffs are entitled to an award of costs.**

4 **A. Plaintiffs are entitled to recover the costs of litigation.**

5 N.R.S. § 18.020 states that prevailing parties are entitled to recover their costs. Plaintiffs
6 are also entitled to costs pursuant to 42 U.S.C. § 1988. *See, Illick v. Miller*, 68 F.Supp.2d 1169,
7 1181-1182 (D.Nev. 1999)(Plaintiffs are entitled to recover reasonable litigation expenses.)
8 Plaintiffs are also entitled to an award of costs representing out-of-pocket litigation expenses.
9 *United Steelworkers of America v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1989). In
10 total, plaintiffs seek an award of \$716,691.06. This includes costs incurred in travel (airfare, car
11 rental, hotels and food, gasoline and the like), telephone, postage and photocopying. *Illick*, 68 F.
12 Supp. 2d at 1181.
13

14 On July 27, Plaintiffs filed a Verified Memorandum of Costs. As Defendants noted in
15 their July 31, 2017 Motion to Retax Costs, certain invoices verifying these costs were
16 inadvertently missing. Attachment 4 to Exhibit 2 (Declaration of Allen Lichtenstein) lists all of
17 the recalculated costs and has the complete documentation attached. These costs are neither
18 duplicative nor excessive.
19

20 **B. Plaintiffs are entitled to attorney fees in connection to the Motion for Attorney**
21 **fees.**

22 Work performed on a motion for fees under 42 U.S.C. § 1988 is compensable. *D'Emanuele*
23 *v. Montgomery Ward & Co.*, 904 F.2d 1379, 1387 (9th Cir. 1990); *In re Nucorp Energy*, 764 F.2d
24 655, 660 (9th Cir. 1985). Plaintiffs are entitled to attorney fees for the time spent preparing this
25 motion, as set forth in the attached Declarations of John H. Scott and Allen Lichtenstein.
26

27 **III. Conclusion**
28

1 WHEREFORE, Plaintiffs having prevailed in this case, requests that this Honorable Court
 2 grant Plaintiffs motion, and grant fees in the amounts requested, as follows:

	rate per hr.	hrs expended	total
3 Fees for John H. Scott:	\$650	383.50	\$249,275.00
4			
5 Fees for Allen Lichtenstein:	\$600	690.77	\$414,460.00
6 (as a private attorney)			
7 Staci Pratt	\$450	20.80	\$ 10,980.00
8 (as a private attorney)			
9 Fees for the ACLUN	var	70.45	\$ 19,356.25
10 Lichtenstein	\$600	9.6	\$5,670.00
11 Pratt	\$450	8.6	\$3,870.00
12 Morgan	\$225	31.95	\$7,188.75
13 Interns	\$125	20.3	\$2,537.50
14			
15 Total fees			\$694,071.25
16 Costs:			\$ 22,619.81
17 Total			\$716,691.06

18 Dated this 9th day of August 2017,

19 Respectfully submitted by:

21 /s/Allen Lichtenstein
 22 Allen Lichtenstein
 23 Nevada Bar No. 3992
 24 ALLEN LICHTENSTEIN LTD.
 25 3315 Russell Road, No. 222
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 28

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3
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10 john@scottlawfirm.net
11 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
12 *Aimee Hairr and Nolan Hairr*

13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that I served the following Motion for Fees and Costs via Court's electronic
16 filing and service system and/or United States Mail and/or e-mail on the 9th day of August 2017,
17 to:

18 Dan Polsenberg
19 Dan Waite
20 Lewis Rocha Rothgerber Christie
21 3993 Howard Hughes Pkwy., Suite 600
22 Las Vegas, NV 89169-5996

23 DPolsenberg@lrrc.com
24 DWaite@lrrc.com

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/s/ Allen Lichtenstein

EXHIBIT 1

DECLARATION OF JOHN H. SCOTT

001743

001743

1 ALLEN LICHTENSTEIN (SBN 3992)

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4

JOHN HOUSTON SCOTT (SBN 72578)

5 (pro hac vice)

SCOTT LAW FIRM

6 1388 Sutter Street, Suite 715

San Francisco, California 94109

7 Telephone: (415) 561-9600

Facsimile: (415) 561-9609

8 john@scottlawfirm.net

9 Attorneys for Plaintiffs MARY BRYAN,
10 mother of ETHAN BRYAN and AIMEE HAIRR,
mother of NOLAN HAIRR

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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MARY BRYAN, mother of ETHAN BRYAN;
15 AIMEE HAIRR, mother of NOLAN HAIRR,

Case No. A-14-700018-C

16

Plaintiffs,

Dept. No. XXVII

17

vs.

**DECLARATION OF JOHN HOUSTON
SCOTT IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES
AND EXPENSES**

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CLARK COUNTY SCHOOL DISTRICT,

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Defendant.

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DECLARATION OF JOHN HOUSTON SCOTT IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES AND EXPENSES

8/8/2017
4:11 PM

Allen Lichtenstein
Slip Listing

Page 32

Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
conference with John Scott					
3066	TIME	Allen	3.10	600.00	1860.00
7/19/2017		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Hearing; Hearing on Motion to Strike; telephone conference with John Scott			0.00		
3067	TIME	Allen	2.10	600.00	1260.00
7/27/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Memorandum of Costs and Disbursements			0.00		
3068	TIME	Allen	7.60	600.00	4560.00
8/7/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research and prepare fee petition			0.00		
3069	TIME	Allen	6.30	600.00	3780.00
8/8/2017		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Edited and finalized fee petition			0.00		
Grand Total					
		Billable	690.77		414460.00
		Unbillable	0.00		0.00
		Total	690.77		414460.00

EXHIBIT 2**ATTACHMENT 2****STACI PRATT HOURS AS A PRIVATE ATTORNEY**

001644

Date	Time	Activity	Activity Type	Rate	Slip Value
7/23/2014	0.50	Client communication--substitution of counsel	Communication	450.00	\$225.00
7/26/2014	0.70	Review of complaint for editing	Document draft	450.00	\$315.00
7/30/2014		Client communication--receipt of letter from NERC and review of correspondence	Document review	450.00	\$360.00
7/31/2014	0.10	Review of substitution of counsel	Document review	450.00	\$45.00
8/9/2014		Review of Defendants' Reply to Plaintiffs' Response to Defendants' Motion to Dismiss Plaintiffs' Complaint	Document review	450.00	\$540.00
8/12/2014	0.10	Client communication--Aimee Hairr	Communication	450.00	\$45.00
8/15/2014	0.20	Review of Alicia Lerod email	Document review	450.00	\$90.00
8/20/2014	2.60	Prepare background materials for oral argument	Document preparation and review for court	450.00	\$1,170.00
8/21/2014		Support Allen Lichtenstein in oral argument in hearing on Bryan and Hairr	Hearing on Motion to Dismiss	450.00	\$1,395.00
8/21/2014	1.20	Client communication regarding oral argument	Conversation	450.00	\$540.00
8/22/2014	0.30	Review transcript	Document review	450.00	\$135.00
8/22/2014	0.50	Client communication with Mary Bryan	Conversation	450.00	\$225.00
8/25/2014	0.20	Review email from Alicia Lerod dated 8/21/2014	Document review	450.00	\$90.00
8/25/2014		Research and draft letter response to Alicia Lerod related to communication and substitution of counsel	Document draft	450.00	\$585.00
8/26/2015	0.30	Finalize draft and send letter reply to Alicia Lerod	Document draft and Email	450.00	\$135.00
9/2/2014		Review draft order from hearing on motion to dismiss--as sent by Dan Waite, opposing counsel	Document review	450.00	\$270.00
9/5/2014	0.10	approve draft order	Communication	450.00	\$45.00
10/9/2014	4.20	Prepare First Amended Complaint	Document draft	450.00	\$1,890.00
10/10/2014	0.60	Discuss litigation strategy with co-counsel	Analysis	450.00	\$270.00
11/6/2014		Review Nov. 6 letter from opposing counsel regarding First Amended Complaint	Document review	450.00	\$315.00
11/10/2014	1.80	Prepare motion to correct errata and amend complaint	Document draft	450.00	\$810.00
11/17/2014	0.20	Review client communication--Aimee Hairr	Document review	450.00	\$90.00
11/25/2014		Prepare draft of proposed changes to NRS Chapter 388 to address client concerns	Document draft	450.00	\$1,170.00
11/30/2014	0.30	Review final proposal	Document review	450.00	\$135.00
12/2/2014	0.20	Review client communication--Mary Bryan	Communication	450.00	\$90.00
Total:	20.80				\$10,980.00

EXHIBIT 2
ATTACHMENT 3
ACLUN HOURS

001646

ACLU of Nevada

601 South Rancho Dr.
Suite B-11
Las Vegas, NV 89101
702-366-1536

August 08, 2017

Invoice # 10000

Billing for: 1/1/2014 to

Client ID: Bryan et al. v.

Professional Services

<u>Hours</u>		<u>Rate</u>
1/10/2014 S. Pr 0.90	Review all relevant emails on timeline.	\$450.00/hr
1/21/2014 S. Pr 1.10	Review and analyze Clark County School District non-discrimination policy.	\$450.00/hr
1/23/2014 AM 1.50	Research school discrimination section for complaint.	\$225.00/hr
1/24/2014 AM 2.00	Continue to research and analyze cases and arguments regarding discrimination and public accommodations for incorporation into complaint.	\$225.00/hr
AM 1.50	Research Nevada Equal Rights Commission, powers and duties.	\$225.00/hr
1/27/2014 S. Pr 0.30	Email plaintiffs and address concerns regarding litigation.	\$450.00/hr
AM 2.50	Research and analysis regarding anti-bullying statutes in Nevada and CCSD policies.	\$225.00/hr
AM 1.50	Draft outline for complaint.	\$225.00/hr
1/31/2014 AM 2.50	Begin initial draft of Complaint.	\$225.00/hr

To ensure proper credit, please include your client id and invoice number on your payment. Thank you.

ACLU of Nevada

Client ID: Bryan et al. v.

Page 2

August 08, 2017

<u>Hours</u>		<u>Rate</u>
2/7/2014 AM	Review client correspondence with trustees.	
1.50		\$225.00/hr
AM	Make revisions and additions to the factual background section of the NERC complaint.	
1.75		\$225.00/hr
2/13/2014 TS	Review and respond to multiple correspondence to and from clients.	
0.40		\$125.00/hr
2/14/2014 AM	Continue to make revisions and additions to the factual background for the complaint.	
2.25		\$225.00/hr
2/21/2014 AM	Draft causes of action for complaint regarding the Fourteenth Amendment	
3.00		\$225.00/hr
AM	Continue drafting causes of action section for complaint.	
1.25		\$225.00/hr
2/23/2014 AM	Continue revisions to both plaintiffs' factual background sections of the complaint.	
2.25		\$225.00/hr
2/24/2014 AM	Incorporate S. Pratt edits into the complaint.	
0.75		\$225.00/hr
AM	Meeting with Plaintiffs to discuss complaint.	
2.00		\$225.00/hr
AM	Continue edits and research on the negligence cause of action of the complaint.	
2.00		\$225.00/hr
2/25/2014 AM	Telephone call with head of NERC and draft notes for complaint.	
1.00		\$225.00/hr
AM	Make final edits to the negligence cause of action and public accommodation sections of the complaint.	
2.00		\$225.00/hr
2/26/2014 AM	Review and respond to multiple e-mails from clients.	
0.50		\$225.00/hr
3/17/2014 S. Pr	Telephone conference with legal staff regarding pending investigation of client's complaints.	
1.00		\$450.00/hr
S. Pr	Meeting with clients.	
1.20		\$450.00/hr

To ensure proper credit, please include your client id and invoice number on your payment. Thank you.

ACLU of Nevada

Client ID: Bryan et al. v.

Page 3

August 08, 2017

Hours		Rate
3/17/2014 S. Pr	Review complaint and research potential causes of action.	
1.60		\$450.00/hr
4/28/2014 TS	Email correspondence with A. Morgan regarding complaint and filing timeline.	
0.20		\$125.00/hr
AM	Draft civil cover sheet.	
0.20		\$225.00/hr
AL	E-mail Paige regarding press conference timeline.	
0.20		\$600.00/hr
4/29/2014 TS	File the complaint and appropriate documents.	
0.30		\$125.00/hr
5/14/2014 TS	Draft summonses and coordinate the service of the summonses.	
1.50		\$125.00/hr
5/27/2014 AL	Meeting with KNPR and parents	
1.20		\$600.00/hr
6/5/2014 AL	Meeting with A. Lerud and A.G. attorneys regarding case.	
1.20		\$600.00/hr
6/10/2014 JZ	Review of entire case materials.	
3.00		\$125.00/hr
JZ	Review case materials with A. Morgan and discuss issues and concerns, found during research and analysis.	
1.20		\$125.00/hr
6/11/2014 JZ	Research issues regarding Nevada Equal Rights Commission duties.	
2.00		\$125.00/hr
6/13/2014 JZ	Continue research regarding NERC duties and powers.	
1.50		\$125.00/hr
6/17/2014 JZ	Review and analyze motion to dismiss.	
1.50		\$125.00/hr
JZ	Continue research regarding issues raised in Motion to Dismiss and damage cases for use in written opposition.	
4.00		\$125.00/hr
JZ	Begin research on issues raised in motion to dismiss.	
3.00		\$125.00/hr

To ensure proper credit, please include your client id and invoice number on your payment. Thank you.

ACLU of Nevada

Client ID: Bryan et al. v.

Page 4

August 08, 2017

Hours		Rate
7/1/2014	TS Research Rule 2.2 regarding time and response to motions and email the team regarding the same. 0.50	\$125.00/hr
7/2/2014	TS Review and calendar opposition deadline dates to motion to dismiss. 0.20	\$125.00/hr
7/8/2014	S. Pr Review the arguments for opposition to motion to dismiss related to 42 USC 1983, for violations of 2.50 state and US Constitutions.	\$450.00/hr
AL	Respond to all the Negligence Per Se arguments (addressing all arguments made in pages 12-19 of the 2.30 Motion to Dismiss). Draft response to the argument that we cannot sue an individual school within a district.	\$600.00/hr
TS	Create hearing Binder for attys regarding Motion to Dismiss and hearing on Motion to Dismiss. 0.50	\$125.00/hr
7/9/2014	TS Calendar and review dates regarding opposition to motion. 0.10	\$125.00/hr
TS	Research rules for service via mail. 0.20	\$125.00/hr
7/11/2014	AL Media discussions regarding the case. 1.00	\$600.00/hr
7/18/2014	AL Review and make edits to opposition to the motion to dismiss. 1.20	\$600.00/hr
7/31/2014	AL Attend hearing on Motion to Dismiss 2.50	\$600.00/hr
9/9/2014	TS Review email and correspond with A. Lichtenstein regarding the same. 0.20	\$125.00/hr
Total for professional services rendered		70.45 \$19,356.25
Balance due		\$19,356.25

To ensure proper credit, please include your client id and invoice number on your payment. Thank you.

EXHIBIT 2

ATTACHMENT 4

COSTS WITH SUPPORTING DOCUMENTATION

001651

001651

Plaintiffs' Costs and Disbursements

In Reference To: Mary Bryan and Amy Hairr v Clark County School District (CCSD) et. al,
(Case No. A-14-700018-C)

COSTS	Amount
5/19/2014 Messenger service to Attorney General (ACLU)	116.88
8/22/2014 Hearing transcript (Lichtenstein).	60.00
5/12/2015 Association of Counsel application fee (State Bar of Nevada CK #1643).	550.00
6/18/2015 Mailing disclosures (Lichtenstein).	5.75
6/19/2015 Printing disclosures (Lichtenstein).	63.77
6/22/2015 Mailing disclosures (Lichtenstein).	5.95
6/30/2015 Copies and Faxes made in office 06/01/2015-06/30/2015.	27.20
8/31/2015 Copies and Faxes made in office 08/01/2015-08/31/2015.	4.00
10/23/2015 Discovery CD (Lichtenstein).	10.80
11/2/2015 Deposition of Warren McKay (Depo International Inv #23223).	1,534.68
Deposition transcript of Warren McKay (Depo International Inv #23293).	877.98
Roundtrip travel to from SNA to LAS to SFO for Bryan/Hairr depositions (Southwest).	209.20
Meals during travel to Las Vegas for Bryan/Hairr depositions (The Sicilian Ristorante).	126.48
11/3/2015 Deposition of Cheryl Winn (Depo International Inv #23263).	1,590.00
Deposition transcript of Cheryl Winn (Depo International Inv #23417).	928.73
Taxi service in Las Vegas for Bryan/Hairr depositions (Thanh Ngoc).	52.00
Meals during travel to Las Vegas for Bryan/Hairr depositions (Arawan Thai Bistro).	25.51
Meals during travel to Las Vegas for Bryan/Hairr depositions (Gandhi India Cuisine).	25.84
11/16/2015 Deposition of Deanna Wright (Depo International Inv #23637).	603.42
Deposition transcript of Deanna Wright (Depo International Inv #23662).	416.15
Wright deposition transcript (Lichtenstein).	19.46
11/30/2015 Copies and Faxes made in office 10/01/2015-11/30/2015.	210.40
12/22/2015 Deposition of Nolan Michael Hairr (Litigation Services, Inv #1044327).	1,183.05
1/5/2016 Deposition of C L (Western Reporting Services, Inv #49962).	372.80
1/6/2016 Deposition of Aimee Olivia Hairr (Litigation Services, Inv #1046125).	960.58
1/13/2016 Deposition of D M (Western Reporting Services, Inv #49981).	379.30
1/21/2016 Deposition of Ethan Bryan (Litigation Services, Inv #1048764).	1,138.50
1/24/2016 Travel to from New Orleans to LAS for Bryan/Hairr depositions (Southwest).	221.23
1/25/2016 Deposition of Leonard Depiazza (Depo International Inv #24752).	815.00

1/26/2016 Deposition of Robert Beaseley (Depo International Inv #24805).	533.00
1/27/2016 Deposition transcript of John Edwin Halpin (Depo International Inv #24899).	325.76
Deposition of John Edwin Halpin (Depo International Inv #24897).	589.50
1/28/2016 Deposition transcript of Andre Joseph Long (Depo International Inv #24902).	556.83
Deposition of Andre Joseph Long (Depo International Inv #24901).	947.50
Travel from LAS to SFO - Bryan/Hairr depositions (Southwest).	114.60
1/31/2016 Copies and Faxes made in office 01/01/2016-01/31/2016.	190.60
2/5/2016 Deposition of Mary Bryan (Litigation Services, Inv #1051615).	1,031.40
2/16/2016 Deposition of Heath Hairr (Litigation Services, Inv #1051615).	160.00
Deposition of Gina Abbaduto (Litigation Services, Inv #1053295).	607.25
2/19/2016 Deposition of Asheesh Dewan, MD (Litigation Services, Inv #1053578).	135.95
Deposition of Edmond Faro, MD (Litigation Services, Inv #1053610).	182.10
2/24/2016 Deposition of Dennis Moore, MD (Litigation Services, Inv #1052063).	236.35
2/29/2016 Copies and Faxes made in office 02/01/2016-02/29/2016.	67.40
3/17/2016 Federal Express shipment to Allen Lichtenstein, Las Vegas, NV (FedEx #775904967664).	32.49
3/28/2016 Documents scanned to PDF (Lichtenstein)	37.63
4/1/2016 Documents scanned to PDF (Lichtenstein).	42.39
4/21/2016 Efile transactions for Mary Bryan - 04/30/2014-04/21/2016 (Lichtenstein).	280.50
4/29/2016 Lewis Roca transcript fee (Lichtenstein).	90.14
8/31/2016 Copies and Faxes made in office 08/01/2016-08/31/2016.	6.40
10/31/2016 Copies and Faxes made in office 10/01/2016-10/31/2016.	51.80
11/9/2016 Federal Express shipment to Allen Lichtenstein, Las Vegas, NV (FedEx #7777679212411).	115.11
Depo transcript of Robert Beasley, taken 1/26/2016 (Depo International Inv #30045).	46.00
Depo transcript of Cheryl Winn, taken 11/16/2015 (Depo International Inv #30044).	151.00
Depo transcript of Warren McKay, taken 11/2/2015 (Depo International Inv #30046).	137.00
11/9/2016 Depo transcript of Deanna Wright, taken 11/16/2015 (Depo International Inv #30047).	51.00
Binders and tabs for trial (Lichtenstein).	47.48
11/15/2016 District Court Transcript of Trial 11/15/16-11/18/16, 11/22/16	440.00
11/28/2016 Court reporter deposit and service (Kimberly Lawson Karr Reporting Inv #11/28/2016).	2000.00
12/31/2016 Copies and Faxes made in office 12/01/2016-12/31/2016.	182.80

3/15/2017 Copies and binding. (Lichtenstein).	92.95
3/16/2017 Copies and binding. (Lichtenstein).	34.22
3/31/2017 Copies and Faxes made in office 03/01/2017-03/31/2017.	23.60
5/31/2017 Copies and Faxes made in office during 05/01/2017-05/31/2017.	44.40
Assoc. of Counsel Renewal - Case A-14-700018 C (State of Nevada)	500.00
	<hr/>
Total Costs	<u>\$22,619.81</u>

Reno/Carson Messenger Service, Inc.
 185 Martin Street
 Reno, NV 89509
 tel 775.322.2424 fax 775.322.3408
 process@renocarson.com
 Federal Tax ID: 88-0306306
 NV STATE LIC#322



Invoice #: 48398
 Date: 05/19/2014



INVOICE FOR SERVICE:

Amount Due: \$90.44

AMERICAN CIVIL LIBERTIES UNION OF NEVADA
 601 S RANCHO DR, SUITE B11,
 LAS VEGAS, NV 89106

Phone number: 702 366-9109
 Fax number: 702 366-1331
 Email Address:

Requestor: TAMIKA SHAUNTEE
 Your File# BRYAN V. CCSD

Service #49261: KARA JENKINS IN HER INDIVIDUAL AND OFFICIAL
 CAPACITY AS COMMISSION ADMINISTRATOR OF NERC
 Manner of Service: CORP/BUSINESS

Completion Information/Recieved by:AMANDA WHITE

Service Date/Time:05/16/2014 10:55 AM

Service address:100 N. CARSON ST NEVADA ATTORNEY GENERAL'S OFFICE CARSON
 CITY NV 89705

Served by:WADE MORLAN R-006823

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Caucasian	Blonde	20-30	5ft 6in	141-150lbs
Other Features:					

EIGHTH JUDICIAL DISTRICT COURT-STATE OF NEVADA, CLARK COUNTY

MARY BRYAN, ET AL v. CLARK COUNTY SCHOOL DISTRICT (CCSD); ET AL

Service Documents: SUMMONS; COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE
 RELIEF, AND DAMAGES; CIVIL COVER SHEET

CASE#: A-14-700018-C

Service Comments:

Copy/Print/Fax Service	\$6.44
Standard Service	\$40.00
RUSH CHARGE	\$20.00
SPECIAL MILEAGE	\$24.00
TOTAL CHARGES:	\$90.44
BALANCE:	\$90.44

CREDIT TERMS ARE NET 30. INVOICES NOT PAID WITHIN TERMS WILL BE ASSESSED A 1.5% PER MONTH
 FINANCE CHARGE

Reno/Carson Messenger Service, Inc.
 185 Martin Street
 Reno, NV 89509
 tel 775.322.2424 fax 775.322.3408
 process@renocarson.com
 Federal Tax ID: 88-0306306
 NV STATE LIC#322



Process Server - Messenger Service
RENO / CARSON / LAS VEGAS
 ★★ ★ WE MAKE DEADLINES ★★ ★

Invoice #: 48396
 Date: 05/19/2014



INVOICE FOR SERVICE:

Amount Due: \$26.44

AMERICAN CIVIL LIBERTIES UNION OF NEVADA
 601 S RANCHO DR, SUITE B11,
 LAS VEGAS, NV 89106

Phone number: 702 366-9109
 Fax number: 702 366-1331
 Email Address:

Requestor: TAMIKA SHAUNTEE
 Your File# BRYAN V. CCSD

Service #49263: NEVADA EQUAL RIGHTS COMMISSION (NERC)
 Manner of Service: CORP/BUSINESS

Completion Information/Received by: AMANDA WHITE

Service Date/Time: 05/16/2014 10:55 AM

Service address: 100 N. CARSON ST NEVADA ATTORNEY GENERAL'S OFFICE CARSON
 CITY NV 89705

Served by: WADE MORLAN R-006823

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Caucasian	Blonde	20-30	5ft 6in	141-150lbs
Other Features:					

EIGHTH JUDICIAL DISTRICT COURT-STATE OF NEVADA, CLARK COUNTY

MARY BRYAN, ET AL v. CLARK COUNTY SCHOOL DISTRICT (CCSD); ET AL

Service Documents: SUMMONS; COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE
 RELIEF, AND DAMAGES; CIVIL COVER SHEET

CASE#: A-14-700018-C

Service Comments:

Copy/Print/Fax Service	\$6.44
2nd Def	\$20.00

TOTAL CHARGES: **\$26.44**



BALANCE: **\$26.44**

CREDIT TERMS ARE NET 30. INVOICES NOT PAID WITHIN TERMS WILL BE ASSESSED A 1.5% PER MONTH
 FINANCE CHARGE

**TRANSCRIBER'S BILLING INFORMATION
DISTRICT COURT XXVII**

DATE OF INVOICE: 8/22/14

CASE #	A700018		
CASE NAME:	Mary Bryan vs. Clark County School District, et al		
HEARING DATE:	8/21/14		
DEPARTMENT #	DISTRICT COURT 27		
ORDERED BY:	Allen Lichtenstein, Esq.		
FIRM:			
EMAIL:	allaw@lvcoxmail.com		
COURT RECORDER: Traci Rawlinson			
PHONE NUMBER: 702-671-0883			
PAYABLE TO:	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Ave. Las Vegas, NV 89155		
BILL AMOUNT:		CDs @ \$25 each =	\$
	1	hours @ \$30 an hour recording fee =	\$ 30
	4	pages @ \$ 7.50 per page of trans.	\$ 30
	TOTAL		\$ 60
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:		
BILL AMOUNT:		pages @	\$ per page of trans \$
DATE PAID:			
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED			

SCOTT LAW FIRM GENERAL ACCOUNT 1388 SUTTER ST. STE 715 SAN FRANCISCO, CA 94109		Bank of America ACH R/F 121000368	1643 11-35/1210 CA 91002
PAY TO THE ORDER OF <u>State Bar of Nevada</u>		5/12/2015	
Five Hundred Fifty and 00/100 *****		\$ 550.00	DOLLARS
MEMO Association of Counsel application fee - Hair		AUTHORIZED SIGNATURE 	
100164311 121000368 3250147916401		Security Features Included  Details on Back	

001659



FedEx Office is your destination
for printing and shipping.

395 Hughes Center Dr
Las Vegas, NV 89169
Tel: (702) 951-2400

6/19/2015 4:07:21 PM PST
Team Member: Hiroko Y.

SALE

000002 Reg. Price 200 @ 0.2500
ClipIt Flash Blk 4GB 1 @ 8.9900
01093F Reg. Price 8.99

Reg. or Total 188.99
Discounts 128.00

Total 56.99

Sub-Total 58.99
Tax 4.78
Deposit 0.00

Visa (S)
Account: 5150
Auth: 06140B (A)

Total Tender 63.77
Change Due 0.00

Super-Hair

EAST LAS VEGAS BR
LAS VEGAS, Nevada
891219995
3148830009-0099

06/22/2015 (800)275-8777 04:43:04 PM

Sales Receipt

Product Description	Sale Unit	Qty	Price	Final Price
000 LAS VEGAS NV				\$5.95

89169-5996 Zone 1
Priority Mail 1-Day by
Weight 1 lb. 6.50 oz.
Expected Delivery: Tue 06/23/15
USPS Tracking #: 9114 9999 4431 4845 6193 49
Includes up to \$50 insurance

Issue Postage: \$5.95
Total: \$5.95

Paid by: MasterCard
Account #: XXXXXXXXXXXX8461
Approval #: 92101P
Transaction #: 672
23903170041

For tracking or inquiries go to
usps.com or call 1-800-222-1811.
Save this receipt as evidence of
insurance. For information on filing
an insurance claim go to
usps.com/ship/file-domestic-claims.htm

Order stamps at usps.com/shop or

EAST LAS VEGAS BR
LAS VEGAS, Nevada
891219995
3148830009-0098

06/18/2015 (800)275-8777 03:29:05 PM

Sales Receipt

Product Description	Sale Unit	Qty	Price	Final Price
000 ROCKFORD IL 61103-7203				\$5.75

Zone 7
Priority Mail 3-Day
Flat Rate Env
1 lb. 8.20 oz.
Expected Delivery: Mon 06/22/15
USPS Tracking #: 9114 9999 4431 4845 6172 01
Includes up to \$50 insurance

Issue Postage: \$5.75
Total: \$5.75

Paid by: MasterCard
Account #: XXXXXXXXXXXX8461
Approval #: 39281P
Transaction #: 169
23903170041

For tracking or inquiries go to
usps.com or call 1-800-222-1811.
Save this receipt as evidence of
insurance. For information on filing
an insurance claim go to
usps.com/ship/file-domestic-claims.htm

Order stamps at usps.com/shop or
call 1-800-Stamp24. Go to
usps.com/ClickShip to print
shipping labels with postage. For
other information call
1-800-ASK-USPS.

Get your mail when and where you
want it with a Secure Post Office
Box. Sign up for a box online at

001659

001659

001659

Bijan/Hair

THANH NGOC PHAN TAA
1398 PLYMOUTH AVE
SAN FRANCISCO, CA 941

THE SICILIAN RISTORANT
3520 E TROPICANA AVE #A
LAS VEGAS, NV 89121

20:41:52

11/03/2015

Merchant ID:

Terminal ID:

372238562881

000000

CREDIT CARD

VISA SALE

CARD #

INVOICE

Batch #:

Approval Code:

Entry Method:

Mode:

MDSE/SERVICES

TIP

TOTAL AMOUNT

11/02/2015

CREDIT CARD

VISA SALE

CARD #

INVOICE

SEQ #:

Batch #:

SERVER

Approval Code:

Entry Method:

Mode:

PRE-TIP AMT

TIP

TOTAL AMOUNT

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CUSTOMER COPY

Air itinerary

AIR Confirmation: HZ2PYY

Confirmation Date: 10/13/2015

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN	217859913	5262150860085	Oct 8, 2016	0

Rapid Rewards points from your original booking have been redeposited in account 00000217859913
18802 Rapid Rewards points have been redeemed for new ticket: 5262150860085

Date	Flight	Departure/Arrival

DATE: 11/03/2015
TIME: 12:40 PM
FROM: SAN FRANCISCO
TO: LAS VEGAS
FLIGHT: 12345
STATUS: CONFIRMED

Date	Flight	Departure/Arrival

Southwest Airlines@luv.southwest.com>
15 5:45 PM

on (HZ2PYY) | 30OCT15 | SFO-SNA-LAS | Scott/John

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Sun Nov 1

4049

Depart **ORANGE COUNTY/SANTA ANA, CA (SNA)** on Southwest Airlines at **12:35 PM**
 Arrive in **LAS VEGAS, NV (LAS)** at **1:40 PM**
 Travel Time 1 hrs 5 mins
Wanna Get Away

- ✓ **Check in for your flight(s):** 24 hours before your trip on Southwest.com or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.
-  **Bags fly free®:** First and second checked bags. Weight and size limits apply. One small bag and one personal item are permitted as carryon items, free of charge.
- 30 minutes before departure:** We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.
- 10 minutes before departure:** You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.
- i** **If you do not plan to travel on your flight:** In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 11.20

Fare Rule(s): Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

SFO WN SNA0.00M/MFF WN LAS0.00R/RFF 0.00 END AY11.20\$SFO5.60
 SNA5.60



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Cost and Payment Summary

✈ AIR - HZ2PYY



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John H. Scott

From: Southwest Airlines <SouthwestAirlines@luv.southwest.com>
Sent: Tuesday, October 13, 2015 5:52 PM
To: John H. Scott
Subject: Flight reservation (H35ED7) | 03NOV15 | LAS-SFO | Scott/John

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Ready for takeoff!

Thanks for choosing Southwest® for your trip. You'll find everything you need to know about your reservation below. Happy travels!

Upcoming Trip: 11/03/15 - San Francisco

[Air itinerary](#)
AIR Confirmation: H35ED7

Confirmation Date: 10/13/2015

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN	217859913	5282150862870	Oct 12, 2016	0

Date	Flight	Departure/Arrival
Tue Nov 3	2054	Depart LAS VEGAS, NV (LAS) on Southwest Airlines at 7:40 PM Arrive in SAN FRANCISCO, CA (SFO) at 9:15 PM Travel Time 1 hrs 35 mins Wanna Get Away



Check in for your flight(s): 24 hours before your trip on [Southwest.com](#) or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.

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- L 30 minutes before departure:** We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.
- L 10 minutes before departure:** You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.
- i If you do not plan to travel on your flight:** In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 5.60

Fare Rule(s): 5262150862870: 1234.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get-Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

LAS WN SFO0.00T/TFF 0.00 END AY5.60\$LAS5.60



Learn about our
boarding process ➤



Learn about inflight
WiFi & entertainment ➤

Cost and Payment Summary

✈ AIR - H35ED7

Base Fare	\$ 0.00	Payment Information
Excise Taxes	\$ 0.00	Payment Type: 1947 Rapid Rewards Points
Segment Fee	\$ 0.00	00000217859913
Passenger Facility Charge	\$ 0.00	Date: Oct 13, 2015
September 11th Security Fee	\$ 5.60	
Total Air Cost	\$ 5.60	

Flight

99.00
104.60

Payment Type: Visa XXXXXXXXXXXXX2430
Date: Oct 13, 2015
Payment Amount: \$5.60

RT \$1209.20



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Base Fare	\$ 0.00
Excise Taxes	\$ 0.00
Segment Fee	\$ 0.00
Passenger Facility Charge	\$ 0.00
September 11th Security Fee	\$ 11.20
Total Air Cost	\$ 11.20

Payment Information

Payment Type: 18802 Rapid Rewards Points
 00000217659913
 Date: Oct 13, 2015

Payment Type: Ticket Exchange

Date: Oct 13, 2015

Payment Amount: \$11.20

Exchange Detail

Oct 9, 2015 From ticket # 5262149771424 to ticket
 # 5262150860085

Useful Tools

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This is a post-only mailing from Southwest Airlines. Please do not attempt to respond to this message. Your privacy is important to us, Please read our [Privacy Policy](#).

¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.

² Security Fee is the government-imposed September 11th Security Fee.

See [Southwest Airlines Co. Notice of Incorporation](#)

See [Southwest Airlines Limit of Liability](#)

Southwest Airlines
 P.O. Box 36647-1CR

STATEMENT

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

Account No.	Date
F2961	1/8/2016

Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
No. 222
3315 Russel Road
Las Vegas, NV 89120

Current	30 Days	60 Days
\$0.00	\$5,950.96	\$0.00
90 Days	120 Days & Over	Total Due
\$0.00	\$0.00	\$5,950.96

3/8/16
+2075

Page 1 of 1

Invoice Date	Invoice No.	Balance	Job Date	Witness	Case Name
11/10/2015	23223	1,534.68	11/2/2015	Warren McKay	Mary Bryan, et al. vs. Clark County School District, et al.
11/11/2015	23263	1,590.00	11/3/2015	Cheryl Winn	Mary Bryan, et al. vs. Clark County School District, et al.
11/12/2015	23293	877.98	11/2/2015	Warren McKay	Mary Bryan, et al. vs. Clark County School District, et al.
11/18/2015	23417	928.73	11/3/2015	Cheryl Winn	Mary Bryan, et al. vs. Clark County School District, et al.
11/30/2015	23637	603.42	11/16/2015	Deanna Wright	Mary Bryan, et al. vs. Clark County School District, et al.
11/30/2015	23662	416.15	11/16/2015	Deanna Wright	Mary Bryan, et al. vs. Clark County School District, et al.

PLEASE SEND PAYMENT

Tax ID: 45-0581340

Phone: (702) 433-2666 Fax: (702) 433-9591

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Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
No. 222
3315 Russel Road
Las Vegas, NV 89120

Account No. : F2961
Date : 1/8/2016

Total Due : \$ 5,950.96

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____



BoH

weight depo

November 16, 2015 12:51 **Page: 1**
 Receipt #: 0741219978
 MasterCard #: XXXXXXXXXXXX8461
 2015/11/16 12:36

Qty	Description	Amount
150	ES B&W S/S White 8.5 x11	18.00
SubTotal		18.00
Taxes		1.46
Total		19.46

The Cardholder agrees to pay the issuer of the charge card in accordance with the agreement between the issuer and the Cardholder.

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 Offer Code: _____ Offer expires 12/31/2015

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TERMS: NET 30 DAYS - A Late Payment
Charge of 1 1/2% per month (18% per
annum) will be assessed on balances 30
days or more overdue.

DATE 1/19/2016 INVOICE 49962

TO:

IN RE:

BRYAN V. CCSD

Allen K. Lichtenstein, Esq.
3315 East Russell Road
Suite 222
Las Vegas, Nevada 89120

INVOICE

DEPOSITION OF C [REDACTED] 1/5/16

346.10

Transcript, Copy

(Electronic Format)

19.50

Statutory administration of transcript subsequent to publication

7.20

Standard/Black and White Exhibit(s) - Electronic format

POSTED

4/6/16
#2097

REPORTER:

L. Unruh

BALANCE DUE:

\$372.80

507.186.40


**WESTERN REPORTING
SERVICES, INC.**

500 South Rancho Drive • Suite 8A • Las Vegas, NV 89108
702/474-6255 • fax 702/474-6257
www.westernreportingservices.com
Federal ID No. 88-0283740

TERMS: NET 30 DAYS - A Late Payment
Charge of 1 1/2% per month (18% per
annum) will be assessed on balances 30
days or more overdue.

DATE: 1/22/2016 INVOICE: 49981

TO:

IN RE:

BRYAN V. CCSD

Allen K. Lichtenstein, Esq.
3315 East Russell Road
Suite 222
Las Vegas, Nevada 89120

INVOICE

DEPOSITION OF DAVID M. [REDACTED], 1/13/16

349.15

Transcript, Copy

(Electronic Format)

19.50

Statutory administration of transcript subsequent to publication

8.40

Standard/Black and White Exhibit(s) - Electronic format

2.25

Color exhibit(s) - Electronic format

REPORTER:

L. Unruh

BALANCE DUE

\$379.30

4/6/16
2097
E 752.10

AIR Confirmation: R4MXTP

Confirmation Date: 12/1/2015

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN HOUS TON	217859913	5262163210458	Nov 30, 2016	2290

Rapid Rewards points earned are only estimates. Visit your (MySouthwest, Southwest.com or Rapid Rewards) account for the most accurate totals - including A-List & A-List Preferred bonus points.

Date	Flight	Departure/Arrival
------	--------	-------------------

Eri Jan 22	209	Depart SAN FRANCISCO, CA (SFO) on Southwest Airlines at 4:30 PM
------------	-----	---

Arrive in LAS VEGAS, NV (LAS) at 9:20 AM

Wanna Get Away

Fri Jan 23	209	Depart LAS VEGAS, NV (LAS) on Southwest Airlines at 10:10 AM
------------	-----	--

Arrive in PHOENIX, AZ (PHX) at 10:10 AM

Wanna Get Away

Date	Flight	Departure/Arrival
------	--------	-------------------

Sun Jan 24	209	Depart NEW ORLEANS, LA (MSY) on Southwest Airlines at 4:30 PM Arrive in LAS VEGAS, NV (LAS) at 8:30 PM Travel Time 4 hrs 0 mins Wanna Get Away
------------	-----	---

Check in for your flight(s): 24 hours before your trip on Southwest.com or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.

Bags fly free®: First and second checked bags. Weight and size limits apply. One small bag and one personal item are permitted as carryon items, free of charge.

30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.

10 minutes before departure: You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.

If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 442.46

Fare Rule(s): 5262163210458: NONREF/NONTRANSFERABLE/STANDBY REQ UPGRADE TO Y.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

SFO WN X/PHX WN MSY184.54OLAVHNRO WN LAS197.10WLVNHNR
381.64 END ZPSFOPHXMSY XFSFO4.5PHX4.5 AY11.20\$SFO5.60 MSY5.60

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Cost and Payment Summary

AIR - R4MXTP

Base Fare	\$ 381.64	Payment Information
Excise Taxes	\$ 28.62	Payment Type: Visa XXXXXXXXXXXXX2430
Segment Fee	\$ 12.00	Date: Dec 1, 2015
Passenger Facility Charge	\$ 9.00	Payment Amount: \$442.46
September 11th Security Fee	\$ 11.20	
Total Air Cost	\$ 442.46	

2 = \$221.23

INVOICE

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

Invoice No.	Invoice Date	Job No.
24752	1/28/2016	20056
Job Date	Case No.	
1/25/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

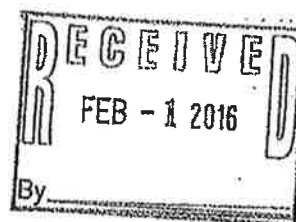
John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL & ONE CERTIFIED TRANSCRIPT
Leonard Deplazza

If you have any questions, you may contact our billing department:
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815.00
TOTAL DUE >>> **\$815.00**



ax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

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John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 20056 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24752 Invoice Date : 1/28/2016
Total Due : \$ 815.00

nit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD				
Cardholder's Name:				
Card Number:				
Exp. Date:		Phone#:		
Billing Address:				
Zip:		Card Security Code:		
Amount to Charge:				
Cardholder's Signature:				
Email:				

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Invoice No.	Invoice Date	Job No.		
24897	2/4/2016	20058		
Job Date	Case No.			
1/27/2016	A-14-700018-C			
Case Name				
Mary Bryan, et al. vs. Clark County School District, et al.				
Payment Terms				
Due upon receipt				

ORIGINAL & ONE ELECTRONIC CERTIFIED TRANSCRIPT

John Edwin Halpin

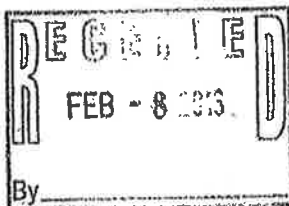
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Billing@depointernational.com

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589.50
TOTAL DUE >>> ~~\$589.50~~

5020

294.25



ax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 20058 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24897 Invoice Date : 2/4/2016
Total Due : \$ 589.50

emit To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD		AMERICAN EXPRESS	VISA
Cardholder's Name:			
Card Number:			
Exp. Date:		Phone#:	
Billing Address:			
Zip:		Card Security Code:	
Amount to Charge:			
Cardholder's Signature:			
Email:			

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Phone: 702-386-9322 Fax: 702-386-9825

John Houston Scott
Scott Law Firm
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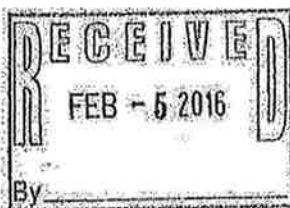
Invoice No.	Invoice Date	Job No.
24805	2/1/2016	20057
Job Date	Case No.	
1/26/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

ORIGINAL & ONE CERTIFIED TRANSCRIPT

Robert Beasley

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Billing@depointernational.com

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533.00
TOTAL DUE >>> \$533.00

ax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

Job No. : 20057 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24805 Invoice Date : 2/1/2016
Total Due : \$ 533.00

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

eml: To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD	
Cardholder's Name:	
Card Number:	
Exp. Date:	Phone#:
Billing Address:	
Zip:	Card Security Code:
Amount to Charge:	
Cardholder's Signature:	
Email:	

STATEMENT

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702.386.9322 Fax: 702.386.9825

Account No.	Date
F2961	4/1/2016

Current	30 Days	60 Days
\$0.00	\$882.59	\$0.00
90 Days	120 Days & Over	Total Due
\$0.00	\$0.00	\$882.59

Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
3806 Forestcrest Drive
Las Vegas, NV 89121

Page 1 of 1

Invoice Date	Invoice No.	Balance	Job Date	Witness	Case Name
2/4/2016	24899	325.76	1/27/2016	John Edwin Halpin	Mary Bryan, et al. vs. Clark County School District, et al.
2/4/2016	24902	556.83 556.83	1/28/2016	Andre Joseph Long	Mary Bryan, et al. vs. Clark County School District, et al.

PLEASE SEND PAYMENT

Tax ID: 45-0581340

Phone: (702) 433-2666 Fax: (702) 433-9591

Please detach bottom portion and return with payment.

Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
3806 Forestcrest Drive
Las Vegas, NV 89121

Account No. : F2961
Date : 4/1/2016

Total Due : \$ 882.59

Remit To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD		AMEX	DISC	VISA
Cardholder's Name: _____				
Card Number: _____				
Exp. Date: _____		Phone#: _____		
Billing Address: _____				
Zip: _____		Card Security Code: _____		
Amount to Charge: _____				
Cardholder's Signature: _____				
Email: _____				

I N V O I C E

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

Invoice No.	Invoice Date	Job No.
24901	2/4/2016	20059
Job Date	Case No.	
1/28/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

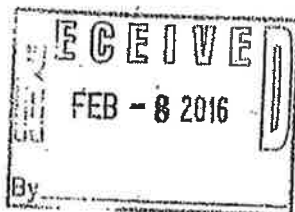
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Andre Joseph Long

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!

TOTAL DUE >>>

~~249.50~~
\$947.50

Fax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 20059 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24901 Invoice Date : 2/4/2016
Total Due : \$ 947.50

Remit To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD		AMERICAN EXPRESS	MARCA	VISA
Cardholder's Name:				
Card Number:				
Exp. Date:		Phone#:		
Billing Address:				
Zip:		Card Security Code:		
Amount to Charge:				
Cardholder's Signature:				
Email:				

John H. Scott

From: Southwest Airlines <SouthwestAirlines@luv.southwest.com>
Sent: Monday, January 11, 2016 7:30 PM
To: John H. Scott
Subject: Flight reservation (RYNHEH) | 28JAN16 | LAS-SFO | Scott/John

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[Air itinerary](#)

AIR Confirmation: RYNHEH

Confirmation Date: 01/11/2016

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN	217859913	5262173005456	Jan 10, 2017	0

Date	Flight	Departure/Arrival
Thu Jan 28	595	Depart LAS VEGAS, NV (LAS) on Southwest Airlines at 4:40 PM Arrive in SAN FRANCISCO, CA (SFO) at 6:10 PM Travel Time 1 hrs 30 mins Wanna Get Away



Check in for your flight(s): 24 hours before your trip on [Southwest.com](#) or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.



Bags fly free®: First and second checked bags. [Weight and size limits apply](#). One small bag and one personal item are permitted as [carryon](#) items, free of charge.



30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.

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L **10 minutes before departure:** You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.

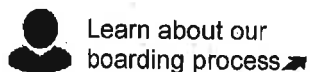
i **If you do not plan to travel on your flight:** In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 5.60

Fare Rule(s): 5262173005456: 1234.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

LAS WN SFO0.00N/NFF 0.00 END AY5.60\$LAS5.60



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Learn about inflight
WiFi & entertainment ➤

Cost and Payment Summary

✈ AIR - RYNHEH

Base Fare	\$ 0.00
Excise Taxes	\$ 0.00
Segment Fee	\$ 0.00
Passenger Facility Charge	\$ 0.00
September 11th Security Fee	\$ 5.60
Total Air Cost	\$ 5.60

Payment Information

Payment Type: 4746 Rapid Rewards Points
00000217859913
Date: Jan 11, 2016

Payment Type: Visa XXXXXXXXXXXX2430
Date: Jan 11, 2016
Payment Amount: \$5.60

109.00
114.60



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Bryan, et al. vs. CCSD, et al. - Statement

Result To: Litigation Services and Technologies of Nevada, LLC
PO Box 843296
Los Angeles, CA 90084-3298
Phone: 800-338-1112 Fax: 702-631-7351

Accounts Payable
Allen Lichtenstein, Law Office
3315 East Russell Road, Suite 222
Las Vegas, NV 89120
Phone: 702-433-2666 Fax: 702-433-9591

Account No.	Date
72755	3/11/2016

Current	30 Days	60 Days
2,116.76	2,099.08	1,183.05
90 Days	120 Days & Over	Total Due
0.00	0.00	5,398.83

Job Date	Witness	Order No.	Contract	Case Name	Invoice No.	Invoice Date	Invoice Amount	Payment Received	Payment Received From	Balance
12/22/2015	Helen Michael Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1044327	1/5/2016	1,075.50			1,183.05
1/5/2016	Aimee Olive Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1046125	1/19/2016	871.25			960.58
1/21/2016	Edison Bryan		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1048764	2/1/2016	1,035.08			1,138.50
2/5/2016	Mary Bryan		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1051615	2/22/2016	1,931.40			1,051.40
2/16/2016	Heath Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1052384	3/2/2016	560.00			760.00
2/16/2016	Gina Albedado, MS, LPC		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053293	2/29/2016	607.25			607.25
2/19/2016	Ashresh Desai, M.D.		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053578	2/29/2016	135.95			135.95
2/19/2016	Edmond Facy, M.D.		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053610	3/2/2016	182.10			182.10
Total Balance Due:										5,398.83

Tex ID: 27-514955

POSTED

Bryan et al. vs. Clark County School District, et al. - Statement

Remit To: Litigation Services and Technologies of Nevada, LLC
 PO Box 843298
 Las Angeles, CA 90084-3298
 Phone: 800-330-1112 Fax: 702-631-7351

Accounts Payable
 Allen Lichtenstein, Law Office
 3315 East Russell Road, Suite 222
 Las Vegas, NV 89120
 Phone: 702-433-2866 Fax: 702-433-9591

Account No.	Date
F2755	3/11/2016

Current	30 Days	60 Days
236.35	0.00	0.00
90 Days	120 Days & Over	Total Due
0.00	0.00	236.35

Sub Date	Witness	Claim No.	Contact	Case Name	Invoice No.	Invoice Date	Invoice Amount	Payment Received	Payment Received From	Balance
2/4/2016	Dennis Moore, MD		Lichtenstein, Esq., Allen	Bryan et al. vs. Clark County School District, et al.	1052853	2/24/2016	236.35			236.35
Total Balance Due:										236.35

Tax ID: 27-5114755

Bryan/Hairr -
 exhibits to Allen's
 Declaration regarding the
 "Motion To Disqualify"



Shipment Receipt

Address Information

Ship to:

Allen Lichtenstein

3315 Russell Road, No. 222

LAS VEGAS, NV

89120

US

(702) 433-2666

Ship from:

John Houston Scott

Scott Law Firm

1388 Sutter Street, Suite 715

San Francisco, CA

94109

US

4155619601

Shipment Information:

Tracking no.: 775904967664

Ship date: 03/17/2016

Estimated shipping charges: 32.49

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.80 LBS

Declared Value: 0.00 USD

Special Services: Residential Delivery

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: MyAccount-722

Your reference: Bryan/Hairr

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

Financial

Bryan, Mary

Total Financial Assessment	\$280.50
Total Payments and Credits	\$280.50

4/30/2014	Transaction Assessment			\$270.00
4/30/2014	Efile Payment	Receipt # 2014-50310-CCCLK	Bryan, Mary	(\$270.00)
7/27/2015	Transaction Assessment			\$3.50
7/27/2015	Efile Payment	Receipt # 2015-78718-CCCLK	Bryan, Mary	(\$3.50)
3/21/2016	Transaction Assessment			\$3.50
3/21/2016	Efile Payment	Receipt # 2016-28459-CCCLK	Bryan, Mary	(\$3.50)
4/21/2016	Transaction Assessment			\$3.50
4/21/2016	Efile Payment	Receipt # 2016-38796-CCCLK	Bryan, Mary	(\$3.50)

Clark County School District, et al

Total Financial Assessment	\$182.00
Total Payments and Credits	\$182.00

6/30/2014	Transaction Assessment			\$3.50
6/30/2014	Efile Payment	Receipt # 2014-75526-CCCLK	Clark County School District,	(\$3.50)
7/1/2014	Transaction Assessment			\$3.50
7/1/2014	Efile Payment	Receipt # 2014-75811-CCCLK	Clark County School District,	(\$3.50)
8/1/2014	Transaction Assessment			\$3.50
8/1/2014	Efile Payment	Receipt # 2014-88628-CCCLK	Clark County School District,	(\$3.50)
8/1/2014	Transaction Assessment			\$3.50
8/1/2014	Efile Payment	Receipt # 2014-88733-CCCLK	Clark County School District,	(\$3.50)
8/7/2014	Transaction Assessment			\$3.50
8/7/2014	Efile Payment	Receipt # 2014-90709-CCCLK	Clark County School District,	(\$3.50)
9/10/2014	Transaction Assessment			\$3.50
9/10/2014	Efile Payment	Receipt # 2014-103862-CCCLK	Clark County School District,	(\$3.50)
9/10/2014	Transaction Assessment			\$3.50
9/10/2014	Efile Payment	Receipt # 2014-104055-CCCLK	Clark County School District,	(\$3.50)
11/18/2014	Transaction Assessment			\$3.50
11/18/2014	Efile Payment	Receipt # 2014-129961-CCCLK	Clark County School District,	(\$3.50)
11/20/2014	Transaction Assessment			\$3.50
11/20/2014	Efile Payment	Receipt # 2014-130847-CCCLK	Clark County School District,	(\$3.50)
12/9/2014	Transaction Assessment			\$3.50
12/9/2014	Efile Payment	Receipt # 2014-137192-CCCLK	Clark County School District,	(\$3.50)
12/10/2014	Transaction Assessment			\$3.50
12/10/2014	Efile Payment	Receipt # 2014-137325-CCCLK	Clark County School District,	(\$3.50)
1/16/2015	Transaction Assessment			\$3.50

1/16/2015	Efile Payment	Receipt # 2015-05163-CCCLK	Clark County School District,	(\$3.50)
1/27/2015	Transaction Assessment			\$3.50
1/27/2015	Efile Payment	Receipt # 2015-08735-CCCLK	Clark County School District,	(\$3.50)
1/27/2015	Transaction Assessment			\$3.50
1/27/2015	Efile Payment	Receipt # 2015-08914-CCCLK	Clark County School District,	(\$3.50)
2/25/2015	Transaction Assessment			\$3.50
2/25/2015	Efile Payment	Receipt # 2015-19983-CCCLK	Clark County School District,	(\$3.50)
10/8/2015	Transaction Assessment			\$3.50
10/8/2015	Efile Payment	Receipt # 2015-106564-CCCLK	Clark County School District, et al	(\$3.50)
12/2/2015	Transaction Assessment			\$3.50
12/2/2015	Efile Payment	Receipt # 2015-124835-CCCLK	Clark County School District, et al	(\$3.50)
12/2/2015	Transaction Assessment			\$3.50
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12/17/2015	Transaction Assessment			\$3.50
12/17/2015	Efile Payment	Receipt # 2015-130465-CCCLK	Clark County School District, et al	(\$3.50)
1/5/2016	Transaction Assessment			\$3.50
1/5/2016	Efile Payment	Receipt # 2016-00767-CCCLK	Clark County School District, et al	(\$3.50)
1/5/2016	Transaction Assessment			\$3.50
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1/5/2016	Transaction Assessment			\$3.50
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1/13/2016	Transaction Assessment			\$3.50
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1/21/2016	Efile Payment	Receipt # 2016-06717-CCCLK	Clark County School District, et al	(\$3.50)
1/27/2016	Transaction Assessment			\$3.50
1/27/2016	Efile Payment	Receipt # 2016-08613-CCCLK	Clark County School District, et al	(\$3.50)
2/9/2016	Transaction Assessment			\$3.50
2/9/2016	Efile Payment	Receipt # 2016-13414-CCCLK	Clark County School District, et al	(\$3.50)
2/12/2016	Transaction Assessment			\$3.50
2/12/2016	Efile Payment	Receipt # 2016-15079-CCCLK	Clark County School District, et al	(\$3.50)
2/16/2016	Transaction Assessment			\$3.50
2/16/2016	Efile Payment	Receipt # 2016-15142-CCCLK	Clark County School District, et al	(\$3.50)
3/1/2016	Transaction Assessment			\$3.50
3/1/2016	Efile Payment	Receipt # 2016-21162-CCCLK	Clark County School District, et al	(\$3.50)
3/1/2016	Transaction Assessment			\$3.50

3/1/2016	Efile Payment	Receipt # 2016-21168-CCCLK	Clark County School District, et al	(\$3.50)
3/2/2016	Transaction Assessment			\$3.50
3/2/2016	Efile Payment	Receipt # 2016-21394-CCCLK	Clark County School District, et al	(\$3.50)
3/23/2016	Transaction Assessment			\$3.50
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3/24/2016	Transaction Assessment			\$3.50
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3/24/2016	Transaction Assessment			\$3.50
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4/6/2016	Transaction Assessment			\$3.50
4/6/2016	Efile Payment	Receipt # 2016-33970-CCCLK	Clark County School District, et al	(\$3.50)
4/7/2016	Transaction Assessment			\$3.50
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4/18/2016	Transaction Assessment			\$3.50
4/18/2016	Efile Payment	Receipt # 2016-37752-CCCLK	Clark County School District, et al	(\$3.50)
5/16/2016	Transaction Assessment			\$3.50
5/16/2016	Efile Payment	Receipt # 2016-47125-CCCLK	Clark County School District, et al	(\$3.50)
5/17/2016	Transaction Assessment			\$3.50
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7/26/2016	Transaction Assessment			\$3.50
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8/5/2016	Transaction Assessment			\$3.50
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8/11/2016	Transaction Assessment			\$3.50
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8/31/2016	Transaction Assessment			\$3.50
8/31/2016	Efile Payment	Receipt # 2016-84035-CCCLK	Clark County School District, et al	(\$3.50)
11/8/2016	Transaction Assessment			\$3.50
11/8/2016	Efile Payment	Receipt # 2016-108915-CCCLK	Clark County School District, et al	(\$3.50)
11/10/2016	Transaction Assessment			\$3.50
11/10/2016	Efile Payment	Receipt # 2016-110202-CCCLK	Clark County School District, et al	(\$3.50)
11/15/2016	Transaction Assessment			\$3.50
11/15/2016	Efile Payment	Receipt # 2016-111279-CCCLK	Clark County School District, et al	(\$3.50)
4/20/2017	Transaction Assessment			\$3.50

From: "Allen Lichtenstein" <allaw@lvcoxmail.com>
To: "Paula Newman" <paula.allaw@lvcoxmail.com>
Date: 04/28/2016 06:39:12 EDT
Subject: **FW: Bryan and Hairr v. CCSD - MSJ Order**
Attachments: "Bryan and Hairr v. CCSD - MSJ Order" (PDF)

Allen Lichtenstein
Attorney at Law, Ltd.
3315 Russell Road, No. 222
Las Vegas, NV 89120
(702) 433-2666 phone
(702) 433-9591 fax

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----- Begin forwarded message -----
Subject: Bryan and Hairr v. CCSD - MSJ Order
Date: 4/28/16 12:17:35 PM
From: "Horvath, Luz" <[REDACTED]>
To: "Waite, Dan R." <[REDACTED]>
Cc: "Allen Lichtenstein" <[REDACTED]>, "John Scott" <[REDACTED]>

Dan, half the fees for recording and transcript are \$90.14. Thank you.

Luz Horvath
Legal Secretary
702.474.2649 office

(702) 216-6169 fax

[REDACTED] <[REDACTED]>

[REDACTED]
Lewis Roca Rothgerber Christie LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
lrrc.com<[REDACTED]>

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Billing Information

Tracking ID no. [< Prev](#) 777679212411 [Next >](#)
Invoice no. 4-464-43301
Account no. 2579-5472-2
Bill date 11/09/2016
Total Billed \$115.11
Tracking ID Balance due \$0.00
Status Paid CC

Messages

FedEx has audited this shipment for correct package [Read More..](#)
Distance Based Pricing, Zone 4
Fuel Surcharge - FedEx has applied a fuel surcharge [Read More..](#)
The package weight exceeds the maximum for the package [Read More..](#)

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Transaction Details

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Sender Information

John Houston Scott
Scott Law Firm
1388 Sutter Street, Suite 715
SAN FRANCISCO CA 94109
US

Recipient Information

Allen Lichtenstein
3315 Russell Road, No. 222
LAS VEGAS NV 89120
US

Shipment Details

Ship date 11/09/2016
Payment type Shipper
Service type FedEx Priority Overnight
Zone 04
Package type Customer Packaging
Weight 16.00 lbs
Pieces 1
Meter No. 1443208
Declared value \$0.00

Charges

Transportation Charge	125.09
Fuel Surcharge	2.53
Weekday Delivery	0.00
Automation Bonus Discount	-12.51
Total charges	\$115.11

Original Reference

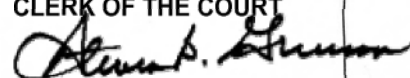
Customer reference no. Bryan/Hairr
Department no.
Reference #2
Reference #3

Proof of Delivery

Delivery date 11/10/2016 09:48
Service area code A1
Signed by M.MARIUZ

[View signature proof of delivery](#)[Back](#)

Electronically Filed
8/7/2017 3:58 PM
Steven D. Grierson
CLERK OF THE COURT



DISTRICT COURT
CLARK COUNTY, NEVADA

MARY BRYAN, mother of ETHAN BRYAN;
AIMEE HAIRR, mother of NOLAN HAIRR,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
(CCSD)

Defendant .

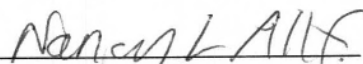
Case No. A-14-700018-C

Dept. No. XXVII

**ORDER DENYING DEFENDANTS'
MOTION TO STRIKE**

On July 19, 2017, a Hearing was held in Department 27 of the Eighth Judicial District Court, the Hon. Nancy L. Allf presiding, on Defendant Clark County School District's June 2, 2017 Motion to Strike Portions of Plaintiffs' Rebuttal Brief. Allen Lichtenstein, Esq. appeared for Plaintiffs. It is hereby ordered that said Motion is denied, as the disputed portions of the Rebuttal proper.

Dated this 3 day of Aug 2017


NANCY L. ALLF
District Court Judge

Respectfully submitted by:

1 Allen Lichtenstein
Nevada Bar No. 3992
2 ALLEN LICHTENSTEIN, LTD.
3315 Russell Road, No. 222
3 Las Vegas, NV 89120
Tel: 702.433-2666
4 Fax: 702.433-9591
allaw@lvcoxmail.com

5 John Houston Scott (CA Bar No. 72578)
6 Admitted Pro Hac Vice
SCOTT LAW FIRM
7 1388 Sutter Street, Suite 715
San Francisco, CA 94109
8 Tel: 415.561.9601
john@scottlawfirm.net
9 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
Aimee Hairr and Nolan Hairr

11
12 **CERTIFICATE OF SERVICE**

13 I hereby certify that I served the following Plaintiffs' Proposed Order via Court's electronic
14 filing and service system and/or United States Mail and/or e-mail on the 20th day of July 2017, to:

15
16 Dan Polsenberg, Esq.
Dan Waite, Esq.
Lewis Rocha Rothgerber Christie
17 3993 Howard Hughes Pkwy., Suite 600
18 Las Vegas, NV 89169-5996

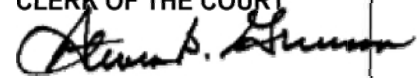
19 DPolsenberg@lrrc.com
20 DWaite@lrrc.com

21
22
23 /s/ Allen Lichtenstein
24
25
26
27
28

39

39

Electronically Filed
8/9/2017 2:01 PM
Steven D. Grierson
CLERK OF THE COURT



1 Allen Lichtenstein (NV State Bar No. 3992)
2 ALLEN LICHTENSTEIN, LTD.
3 3315 Russell Road, No. 222
4 Las Vegas, NV 89120
5 Tel: 702.433-2666
6 Fax: 702.433-9591
7 allaw@lvcoxmail.com

8 John Houston Scott (CA Bar No. 72578)
9 Admitted Pro Hac Vice
10 SCOTT LAW FIRM
11 1388 Sutter Street, Suite 715
12 San Francisco, CA 94109
13 Tel: 415.561-9601
14 john@scottlawfirm.net

15 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
16 *Aimee Hairr and Nolan Hairr*

17 DISTRICT COURT
18 CLARK COUNTY, NEVADA

19 MARY BRYAN, mother of ETHAN BRYAN;
20 AIMEE HAIRR, mother of NOLAN HAIRR,

21 Plaintiffs,

22 vs.

23 CLARK COUNTY SCHOOL DISTRICT
24 (CCSD

25 Defendant .

Case No. A-14-700018-C

Dept. No. XXVII

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

Department: XXVII

Trial Dates: Day1, 11/15/16; Day 2,
11/16/16; Day 3, 11/17/16; Day 4, 11/18/16;
Day 5, 11/22/16

26 Come now Plaintiffs, by and through the undersigned attorneys, and file this Plaintiffs'
27 Motion for Attorneys Fees and Costs based on all pleadings and papers on file herein, and the
28 Memorandum of Law attached hereto, and any further argument and evidence as may be presented
at hearing.

Dated this 9th day of August 2017,

Respectfully submitted by:

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Plaintiffs move pursuant to 42 U.S.C. § 1988 for an award of reasonable attorneys fees and costs, in the following amounts: \$249,270.00 in attorneys fees for John H. Scott; \$414,460 in attorneys fees for Allen Lichtenstein (as a private attorney); \$10,980 in attorneys fees for Staci Pratt (as a private attorney); and, \$19,356.25 in attorneys fees for the ACLU of Nevada (ACLUN) for a total of \$694,071.25 in attorneys' fees, and costs in the amount of \$22,619.81 for a total of \$716,691.06.

As explained below, Plaintiffs are prevailing parties in this case. Accordingly, Plaintiffs' counsel are entitled to be fully compensated for their time and expenses. The fees and costs claimed by Plaintiffs' attorneys are set forth in attachments to the Declarations of John H. Scott, Esq. (Exhibit 1) and Allen Lichtenstein, Esq. (Exhibit 2).

II. Procedural History

Plaintiffs filed their initial Complaint on April 29, 2014, against Defendants: Clark County School District (CCSD), Pat Skorkowsky, in his official capacity as CCSD Superintendent; CCSD Board of School Trustees; Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, in their official capacities as CCSD Board of School Trustees, Greenspun Jr. High School (GJHS); Principal Warren P. McKay, in his individual and official capacity as principal of GJHS; Leonard DePiazza, in his individual and official capacity as assistant principal at GJHS; Cheryl Winn, in her individual and official capacity as Dean at GJHS; John Halpin, in his individual and official capacity as counselor at GJHS; Robert Beasley, in his individual and official capacity as instructor at GJHS.

The Complaint listed five claims for relief: 1) Negligence; 2) Negligence Per Se; 3) Violation of Title IX; 4) Violation of the Right to Equal Protection; 5) Violation of Substantive

1 Due Process clause of the Fourteenth Amendment to the United States Constitution. Plaintiffs
2 were represented by Allen Lichtenstein, General Counsel of the ACLU of Nevada (ACLUN);
3 Staci Pratt, the ACLUN's Legal Director, and Amanda Morgan, staff attorney, aided by interns.

4 On or about July 31, 2014, all three lawyers for Plaintiffs left the ACLUN. Mr.
5 Lichtenstein and Ms. Pratt substituted in, continuing to represent Plaintiffs as private attorneys.
6 Ms. Pratt left Nevada and moved to Kansas City. She switched her Nevada Bar membership to
7 inactive status. Ms. Pratt's last work on this case was on December 2, 2014.

8
9 On August 21, 2014 a Hearing was held on Defendants' Motion to Dismiss Plaintiffs'
10 Complaint, that was granted in part and denied in part. The Court denied Defendants' Motion to
11 Dismiss Plaintiffs' Substantive Due Process claim, and granted the Motion on all other claims
12 without prejudice. The Order was entered on September 10, 2014.

13
14 On October 10, 2014, Plaintiffs filed their Amended Complaint. In its February 10, 2015
15 Order, the Court Dismissed Plaintiffs' Claims for Relief No. 1, Negligence, and No. 2, Negligence
16 Per Se. Plaintiffs abandoned their Fourth Claim for Relief, Equal Protection, leaving the Third
17 Claim for Relief, Title IX, and Fifth Claim for Relief, Substantive Due Process, for trial.
18 Defendants filed their Answer on February 25, 2015.

19 On July 7, 2015 the Court granted Plaintiffs' Motion to Associate Counsel. John H Scott
20 entered the case, pro hac vice, on behalf of Plaintiffs, joining Allen Lichtenstein.

21
22 On March 1, 2016, Defendants filed a Motion for Summary Judgment, which was granted
23 in part and denied in part by the Court in its July 22, 2016 Order. The Court denied Defendants'
24 Motion to dismiss Plaintiffs' Title IX claim against Defendant CCSD. It dismissed the 42 U.S.C. §
25 1983 Equal Protection claims, which had been abandoned by Plaintiffs. The Court granted
26 Defendants' Motion to dismiss all Defendants except CCSD from the 42 U.S.C. § 1983
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1 Substantive Due Process claim. Overall, the Court ruled the two remaining claims against CCSD,
2 1) Title IX; and 2) Substantive Due Process would proceed to trial.

3 On February 10, 2016, the Court denied Defendants' Motion to Compel Rule 35
4 Examination. On or about March 20, 2016, Discovery Commissioner Bulla denied Defendants'
5 Motion to Compel Damages Categories and Calculations, allowing such calculations to be
6 determined by the Court at trial. The Discovery Commissioner's Report and Recommendations
7 were affirmed and adopted by the Court on April 6, 2016.

8
9 On August 5, 2016, Defendant CCSD filed a Motion for Partial Reconsideration, or in the
10 Alternative, Motion for Relief Pursuant to N.R.C.P. 59(E), N.R.C.P. 60(A) and N.R.C.P. 60(B),
11 or Motion in Limine. On October 26, 2016 the Court denied Defendant's Motion.

12 On November 15, 2016, a five-day bench trial was held in Department 27 before the
13 Honorable Judge Nancy L. Allf. Allen Lichtenstein, Esq. and John Houston Scott, Esq. appeared
14 for and on behalf of Plaintiffs Mary Bryan ("Mrs. Bryan") and Aimee Hairr ("Mrs. Hairr"),
15 (collectively Plaintiffs"). Daniel Polsenberg, Esq., Dan Waite, Esq., and Brian D. Blakley, Esq.
16 appeared for and on behalf of Defendant CCSD, ("Defendant") on the Title IX and 42 U.S.C. §
17 1983 Substitute Due Process claims. Testimony was given by: Nolan Hairr, Ethan Bryan, Aimee
18 Hairr, Mary Bryan, Principal Warren McKay, Vice Principal Leonard DePiazza, Dean Cheryl
19 Winn, Counselor John Halpin and band teacher Robert Beasely. Although neither one of the
20 alleged bullies testified, CL's deposition was introduced into evidence. (For privacy purposes,
21 only the initials of CL and DM are used.)
22

23 Closing arguments were done via written briefs. Briefing was completed on May 26, 2017.
24 On June 29, 2017, the Court issued its Decision and Order, concluding that Defendant CCSD
25 violated both Title IX of the Civil Rights Act and also violated Plaintiffs' Substantive Due Process
26 rights as guaranteed by the Fourteenth Amendment to the United States Constitution pursuant to
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1 42 U.S.C. § 1983. The Court further ordered that after review, "Judgment shall be entered in favor
2 of Plaintiffs Mary Bryan, on behalf of Ethan Bryan and Aimee Hairr on behalf of Nolan Hairr, and
3 that Plaintiffs are entitled to a judgment for all damages sought under these two claims asserted in
4 the Complaint, and proven at trial."

5 On July 21, 2017 the Court filed its Findings of Fact and Conclusions of Law and
6 Judgment. On July 27, 2017 Plaintiffs Filed their Memorandum of Costs and Disbursements. A
7 hearing is scheduled on Defendants' July 31, 2017 Motion to Retax on September 6, 2017.
8

9 **III. Argument**

10 **A. Plaintiffs are prevailing parties and are entitled to attorney fees and costs.**

11 The Civil Rights Attorney Fee Awards Act of 1976 provides in pertinent part that: "In any
12 action or proceeding to enforce a provision of sections 1981, 1981 a, 1982, **1983**, 1985, and 1986
13 of this title, **title IX** of Public Law 92-318 [20 U.S.C.A. § 1681 et seq.] ... the court, in its
14 discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee
15 as part of the costs[.]" 42 U.S.C. § 1988(b). (emphasis added) The legislative history makes clear
16 that prevailing parties "should ordinarily recover an attorney's fee unless special circumstances
17 would render such an award unjust."]; *Hensley v. Eckerhart*, 461 US. 424, 429 (1983), quoting S.
18 Rep. No. 941011, at 4 (1976) and *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402
19 (1968). Thus, under the Act the District Court may award reasonable attorney's fees to the
20 Prevailing Party in a Section 1983 action and/or a Title IX action. Under Section 1988, in order for
21 a prevailing plaintiff to be entitled to an award of attorneys' fees said plaintiff must obtain an
22 enforceable judgment from the court. *Farrar v. Hobby*, 506 U.S. 103, 111 (1992); *CRST Van*
23 *Expedited, Inc. v. EEOC*, 136 S. Ct. 1642, 1646 (2016).
24
25

26 Congress has included the term "prevailing party" in various fee-shifting statutes,
27 and it has been the Court's approach to interpret the term in a consistent manner.
28 See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res.*,
532 U. S. 598, 602, 603, and n. 4, 121 S. Ct. 1835, 149 L. Ed. 2d 855 (2001). The

1 Court has said that the "touchstone of the prevailing party inquiry must be the
2 material alteration of the legal relationship of the parties." *Texas State Teachers*
3 *Assn.*, 489 U.S. 782, 792-793, 109 S. Ct. 1486, 103 L. Ed. 2d 866 (1989). This
4 change must be marked by "judicial imprimatur." *Buckhannon*, 532 U. S., at 605,
5 121 S. Ct. 1835, 149 L. Ed. 2d 855. The Court has explained that, when a plaintiff
6 secures an "enforceable judgment on the merits" or a "court-ordered consent
7 decree," that plaintiff is the prevailing party because he has received a "judicially
8 sanctioned change in the legal relationship of the parties." *Id.*, at 604-605, 121 S.
9 Ct. 1835, 149 L. Ed. 2d 855.

10 136 S. Ct. at 1646.

11 Generally, Plaintiffs cross the prevailing party threshold "if they succeed on any significant
12 issue in litigation which achieves some of the benefit the parties sought in bringing the suit." *Texas*
13 *State Teachers' Association v. Garland Independent School Dist.*, 489 U.S. at 789. In the case at
14 bar, Plaintiffs prevailed when this Court gave Plaintiffs the relief sought. In *Saint John's Organic*
15 *Farm v. Gem Cty. Mosquito Abatement Dist.*, 574 F.3d 1054, 1059 (9th Cir. 2009), the Ninth
16 Circuit noted that the Supreme Court in *Farrar, supra*, made clear how little actual relief is
17 necessary. *See also, Hashimoto v. Dalton*, 118 F.3d 671, 677 (9th Cir. 1997) ("The degree of
18 success is irrelevant to the question whether the plaintiff is the prevailing party."). *See also, Stivers*
19 *v. Pierce*, 71 F.3d 732, 751 (9th Cir. 1995).

20 The Nevada Supreme Court follows this standard. *Univ. of Nev. v. Tarkanian*, 110 Nev.
21 581, 590, 879 P.2d 1180, 1186 (1994) ("As a general rule, a prevailing plaintiff may recover
22 reasonable attorney's fees as costs under section 1988 unless the losing defendant can establish the
23 existence of special circumstances which would make the award unjust."), *See also, Cuzze v.*
24 *Univ. & Cmty. Coll. Sys.*, 123 Nev. 598, 604, 172 P.3d 131, 136 (2007); *Lippis v. Peters*, 112
25 Nev. 1008, 1014, 921 P.2d 1248, 1252 (1996).

26 Here, Plaintiffs were successful in obtaining Judgment in their favor on both the Title IX
27 violation and the Substantive Due Process violation claims, with each Plaintiff receiving damages
28 in the amount of \$200,000. Thus, Plaintiffs are unquestionably the prevailing parties in this case

1 and are therefore entitled to an award of attorneys' fees and costs. *See, Jeff D. V. Kempthorne*, 365
 2 F.3d 844, 855 (9th Cir. 2004); *Democratic Party of Washington State v. Reed*, 388 F.3d 1281, 1288
 3 (9th Cir. 2004); *Fisher v. SJB-P.D. Inc.*, 214 F.3d 1115, 1118 (9th Cir. 2000).

4 **B Plaintiffs are entitled to a fully compensatory fee.**

5 Once a Plaintiff has been determined to be a prevailing party, "[t]he most useful starting
 6 point for determining the amount of a reasonable fee is the number of hours reasonably expended
 7 on the litigation multiplied by a reasonable hourly rate." *Hensley*, 461 U.S. at 433. "[T]he 'product
 8 of reasonable hours times a reasonable rate' [known as the 'lodestar'] normally provides a
 9 'reasonable' fee within the meaning of the statute." *Blum v. Stenson*, 465 U.S. 886, 897 (1984)
 10 (quoting *Hensley*, 461 U.S. at 434); *Van Gerwen v. Guarantee Mut. Life Co.*, 214 F.3d 1041, 1045
 11 (9th Cir. 2000); *Tahara v. Matson Terminals, Inc.*, 511 F.3d 950, 955-56 (9th Cir. 2007). "Where a
 12 plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.
 13 Normally this will encompass all hours reasonably expended on the litigation[.]" *Hensley*, 461
 14 U.S. at 435. *Herbst v. Humana Health Ins.*, 105 Nev. 586, 781 P.2d 762, (1989).

15 The correct method for determining the amount of attorney's fees under federal
 16 statutes has been decided by the United States Supreme Court and other federal
 17 courts. HN2 After a court has determined that attorney's fees are appropriate it then
 18 must multiply the number of hours reasonably spent on the case by a reasonable
 19 hourly rate to reach what is termed the lodestar amount. *Pennsylvania v. Delaware*
 20 *Valley Citizens' Council for Clean Air*, 478 U.S. 546, 564-566 (1986); *Patton v.*
 21 *County of Kings*, 857 F.2d 1379, 1382 (9th Cir. 1988); *Southerland v. International*
 22 *Longshoremen's and Warehousemen's Union*, 845 F.2d 796, 800-801 (9th Cir.
 23 1988). There is a strong presumption that the lodestar rate is reasonable. *Delaware*
 24 *Valley Citizens*, 478 U.S. at 565; *Patton*, 857 F.2d at 1382.

25 105 Nev. at 590, 781 P.2d at 764.

26 Under the lodestar method, "a district court must start by determining how many hours
 27 were reasonably expended on the litigation, and then multiply those hours by the prevailing local
 28 rate for an attorney of the skill required to perform the litigation." *Moreno v. City of Sacramento*,

1 534 F.3d 1106, 1111 (9th Cir. 2008); *Tahara*, 511 F.3d at 955. There is a strong presumption that
2 the lodestar is a reasonable fee. *Gates v. Deukmejian*, 987 F.2d 28 1392, 1397 (9th Cir. 1992).

3 Plaintiffs are presumptively entitled to the lodestar even if it exceeds the damages award.
4 See *Fair Housing of Marin v. Combs*, 285 F.3d 899, 908 (9th Cir. 2002) (attorney's fees in civil
5 rights cases need not be proportionate to the amount of damages a plaintiff recovers) (*citing City*
6 *of Riverside v. Rivera*, 477 U.S. 561 (1986) (affirming a \$245,456.25 fee award in a case where
7 plaintiff recovered \$33,350)); *Morales v. City of San Rafael*, 96 F.3d 359 (9th Cir. 1996) (district
8 court's award of attorney's fees of only \$20,000 after civil rights plaintiff had won compensatory
9 damages of \$17,500 was calculated improperly and too low; Plaintiff included "extensive and
10 detailed explanations as to why the lodestar figure of \$134,759.75 was a reasonable fee in this
11 case"); *Quesada v. Thomason*, 850 F.2d 537 (9th Cir.1988) (holding that in a civil rights case the
12 district court "should not have reduced the attorney's fees simply because the damage award was
13 small").

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16 A rule of proportionality that would limit fee awards under Section 1988 to a proportion of
17 the damages recovered in the underlying suit is inconsistent with the flexible approach to lodestar
18 calculations that takes into account all considerations relevant to the reasonableness of the time
19 spent." *Oberfelder v. City of Petaluma*, No. C-98-1470, 2002 WL 472308, *10 (N.D. Cal. Jan.
20 29,2002) (Patel, J.) (*citing Cunningham v. County of Los Angeles*, 879 F.2d 19 481,486 (9th Cir.
21 1988)), The amount of damages recovered by the plaintiffs is not the sole indicator of the extent
22 of their success. *Morales*, 96 F.3d at 364. "[A] civil rights plaintiff seeks to vindicate important
23 civil and constitutional rights that cannot be valued solely in monetary terms." *City of Riverside*,
24 477 U.S. at 574. "[T]he district court must consider the excellence of the overall result, not merely
25 the amount of damages won." *McCown v. City of Fontana*, 565 F.3d 1097, 1103 (9th Cir. 2009).
26 In *Morales*, a civil rights plaintiff prevailed against the city and the police officer involved in his
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28

1 unlawful arrest. 96 F.3d at 364. The Ninth Circuit held that his "nonmonetary success was
2 significant." *Id.* "Because [the jury] assessed damages against the defendants, the verdict
3 established a deterrent to the City, its law enforcement officials and others who establish and
4 implement official policies governing arrests of citizens. Thus, it served the public purpose of
5 helping to protect Morales and persons like him from being subjected to similar unlawful
6 treatment in the future." *Id.* In fact, in some cases of exceptional success an enhanced award or
7 multiplier may be justified. *Blum*, 465 U.S. at 897.

9 The reasonable fee award in this case "should consider not only the monetary results, but
10 also the significant nonmonetary results" that the plaintiffs achieved for themselves and for "other
11 members of society." *Morales*, 96 F.3d at 365. *See also Gonzalez v. City of Maywood*, 729 F.3d
12 1196, 1209-10 (9th Cir. 2013) ("[i]t is not per se unreasonable for attorneys to receive a fee award
13 that exceeds the amount recovered by their clients," which is "especially true in civil rights cases,
14 where the dollar amount lawyers recover for their clients is not the sole measure of the results the
15 prevailing parties' attorneys obtained."). The instant case is precedent – setting in that it is the first
16 successful lawsuit against CCSD for acting with deliberate indifference to school bullying it had
17 actual knowledge of. That precedent may provide public benefits that extend far beyond the
18 individual Plaintiffs here.

20 **1. The hourly rates sought by Plaintiffs' counsel are reasonable.**

21 The Supreme Court has stated that, "where a plaintiff has obtained excellent results, his
22 attorney should recover a fully compensatory fee. Normally this will encompass all hours
23 reasonably expended on the litigation, and indeed in some cases of exceptional success an
24 enhanced award may be justified." *Hensley*, 461 U.S. at 435. Plaintiffs' attorneys seek
25 compensation for all hours reasonably expended on the litigation which contributed to Plaintiffs'
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1 ultimate success. See *Democratic Party of Washington State v. Reed*, 388 F.3d 1281, 1286-87 (9th
2 Cir. 2004).

3 Ordinarily, the attorney fee rate to be utilized under 42 U.S.C. § 1988 is the
4 prevailing market rate for an attorney of similar experience and skill in the forum
5 community. *Blum*, 465 U.S. at 895; *Pressley v. Haeger*, 977 F.2d 295, 299 (7th Cir.
6 1992). Prevailing plaintiffs are entitled not to a "just" or "fair" price for legal
7 services, but to the market price for legal services. *Burlington v. Dague*, 505 U.S.
8 557 (1992); *Missouri v. Jenkins*, 491 U.S. 274, 285, (1989); *Blum* 465 U.S. at
9 892-96. "It is not the function of judges in fee litigation to determine the
equivalent of the medieval just price. It is to determine what the lawyer would
receive if he were selling his services in the market rather than being paid by court
order." *In re Continental Illinois Securities Litigation*, 962 F.2d 566, 568 (7th Cir.
1992).

10 977 F.2d at, 299.

11 Mr. Scott seeks compensation at a rate of \$650 and Mr. Lichtenstein at the rate of \$600 per
12 hour. This is reasonable and is comparable to the market rates charged by attorneys of similar skill
13 and experience in the District of Nevada in a matter concerning complex civil rights and
14 constitutional issues. (See attached Declaration of Clyde DeWitt, Exhibit 3).

15 The rates for Ms. Pratt is \$450 per hour; \$250 per hour for Ms. Morgan, and \$125 per hour
16 for ACLUN interns.

18 **2. Plaintiffs seek fees for a reasonable number of hours.**

19 In determining what constitutes a reasonable number of hours, the Court is to consider the
20 factors set forth in *Kerr v. Screens Extras Guild Inc.*, 526 F.2d 67, 70 (9th Cir. 1975), cert. denied.
21 425 U.S. 951 (1976). The factors to be considered are: (1) the time and labor required, (2) the
22 novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service
23 properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5)
24 the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the
25 client or the circumstances, (8) the amount involved and the results obtained, (9) the experience,
26
27
28

1 reputation, and ability of the attorneys, (10) the "undesirability" of the case, (11) the nature and
2 length of the professional relationship with the client, and (12) awards in similar cases.

3 In the instant case, the time and labor required are set forth in the attachments to the
4 declarations of John Scott and Allen Lichtenstein. The hours listed in the fee request are neither
5 duplicative, unnecessary nor excessive. *See, Hensley* at 434. The case involved a myriad of
6 statutory and constitutional issues and involved both disputes of law and fact. Because these
7 issues involve basic rights it was essential the case be litigated thoroughly and meticulously.
8

9 Not only were the rights of the named plaintiffs at stake but the rights of parents with
10 children in the Clark County School District and also to the entire public. Both Mr. Scott and Mr.
11 Lichtenstein have decades of experience in civil rights litigation. This case involved significant
12 motion practice, as well as a five day trial. The number of hours the Plaintiffs seek compensation
13 for is reasonable under the *Kerr* factors.
14

15 3. Contingent risk

16 The case was undertaken on a pure contingency basis. Although by itself, the fact that a
17 case is a contingency one is not an independent factor to be considered, it should be part of the
18 lodestar factor analysis. *City of Burlington, supra*.

19 We note at the outset that an enhancement for contingency would likely duplicate
20 in substantial part factors already subsumed in the lodestar. The risk of loss in a
21 particular case (and, therefore, the attorney's contingent risk) is the product of two
22 factors: (1) the legal and factual merits of the claim, and (2) the difficulty of
23 establishing those merits. The second factor, however, is ordinarily reflected in the
24 lodestar -- either in the higher number of hours expended to overcome the
25 difficulty, or in the higher hourly rate of the attorney skilled and experienced
26 enough to do so. *Blum v. Stenson*, 465 U.S. 886, 898-899 (1984).

27 505 U.S. at 562-63.

28 **C. Under the *Brunzell* standards, Plaintiffs' attorneys should receive the full lodestar amount.**

1 In *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), the
2 Nevada Supreme Court listed four factors to be considered in “establishing the value of counsel
3 services”: (1) the qualities of the advocate: his ability, his training, education, experience,
4 professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy,
5 its importance, time and skill required, the responsibility imposed and the prominence and
6 character of the parties where they affect the importance of the litigation; (3) the work actually
7 performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the
8 attorney was successful and what benefits were derived. Here, all of the *Brunzell* factors favor the
9 awarding of the full lodestar amount of attorneys fees.
10

11 **1. The qualities of the advocate: ability, training, education,**
12 **experience, professional standing and skill;**

13 Plaintiffs were originally represented by the ACLU of Nevada which is the premier civil
14 rights organization in the State. After Mr. Lichtenstein and Ms. Pratt left the ACLUN, the two
15 primary attorneys for Plaintiffs were, Allen Lichtenstein, in his capacity as a private attorney, and
16 John H. Scott. Both are well respected advocates with decades of experience in complex litigation,
17 including federal civil rights claims.
18

19 **a. Allen Lichtenstein**

20 Allen Lichtenstein was licensed to practice law in Nevada in 1990 (Bar No. 3992) and in
21 California in 1991, after the receiving a J.D. degree from the Benjamin Cardozo School of Law in
22 New York. Prior to that, he a received a Ph.D. in the field of Communication from Florida State
23 University, in 1978. He has been on the faculty of SUNY at Buffalo, the University of New
24 Mexico and Brooklyn College in the field of journalism and communication. He has also taught
25 First Amendment classes at UNLV. In addition to his private law practice, Dr. Lichtenstein was
26 the General Counsel for the American Civil Liberties Union of Nevada from 1997 to 2014.
27
28

1 Mr. Lichtenstein has litigated dozens of cases involving civil rights issues on both the
2 District Court and appellate levels, and has litigated and argued civil rights cases in Nevada State
3 Courts, including the Nevada Supreme Court, and in Federal Courts including the Court of
4 Appeals for the Ninth Circuit, and the United States Supreme Court.

5
6 **b. John H. Scott**

7 Mr. Scott graduated from Golden Gate University School of Law in June 1976. He is
8 admitted to practice in the State of California, the United States District Court for the Northern
9 District of California, United States District Court for the Central District of California, the United
10 States District Court for the Eastern District of California, the United States District Court for the
11 Southern District of California, the United States Court of Appeals for the Ninth Circuit, and the
12 Supreme Court of the United States.

13 In the 40 years he has been a member of the Bar, he has been involved in over 250 cases
14 spanning the broad spectrum of civil rights and constitutional law, including extensive experience
15 litigating against public entities.

16
17 Mr. Scott is listed as counsel over 150 cases in the Northern District of California and 60
18 cases in the Ninth Circuit. He has tried over 150 cases to verdict, and has argued in the Ninth
19 Circuit Court of Appeals over 40 times. For most of Mr. Scott's career he has specialized in civil
20 rights litigation with an emphasis on Section 1983 actions. He has also lectured, written, and
21 consulted about civil rights litigation.

22
23 His forty years of practice as a civil rights attorney has also involved numerous Section
24 1983 cases that were based in whole, or in part, on a theory of "deliberate indifference." This
25 often arose in custodial type situations where children, patients or inmates were dependent upon
26 state actors for their safety and well-being. The common theme was a statutory and/or
27 constitutional duty to protect someone from a known risk of serious harm. In recent years Mr.
28

1 Scott has also associated as co-counsel (pro hoc vice) outside of California in Arizona, Colorado
2 and Florida. This was the first case that went to trial in Nevada.

3 **c. Staci Pratt**

4 Staci Pratt graduated from Boston College School of Law and practiced with Shook, Hardy
5 and Bacon for 10 years. Staci Pratt was hired by the ACLUN in November of 2011. She assisted
6 in the initiation of this case and all of the base research and work until her departure from the
7 ACLU of Nevada in 2014. She continued to work on this case in cooperation with Allen
8 Lichtenstein and is the current Executive Director at Missourians for Alternatives to the Death
9 Penalty.
10

11 **d. Amanda Morgan**

12 Amanda Morgan graduated from the Boyd School of Law in 2013. Amanda was hired in
13 2013 as a staff attorney with the ACLU of Nevada. She interned with the ACLU of Nevada in
14 2012. Amanda Morgan is the current Legal Director for Education Nevada Now.
15

16 **2. The character and difficulty of the work performed: Its**
17 **difficulty, its intricacy, its importance, time and skill required,**
18 **and responsibility imposed and the comments and character of**
the parties where they effect the importance of the litigation;

19 As this court is well aware, the issues presented pertain to the laws concerning Title IX
20 and Substantive Due Process as they relate to the responsibility of school officials to protect their
21 students from bullying. How the facts of this case related to that law were complex, difficult, and
22 took substantial knowledge and skill by Plaintiffs' attorneys. The attorneys retained by Plaintiffs
23 had to be well versed, not only in trial advocacy, but also in the intricacies of Title IX and
24 Substantive Due Process law pursuant to 42 U.S.C. § 1983.
25

26 This case is precedent setting, as it is the first time that CCSD was successfully sued for
27 failing to protect students from intense, pervasive and continuing bullying. It should be noted that
28

1 the Court itself commented on what it viewed as the “highest skill and utmost professionalism”
2 demonstrated by the lawyers in this case, (Trial Transcript, Day 5, at 67).

3 The ACLU of Nevada (ACLUN) represented the Plaintiffs at the outset of the case, until
4 the end of July 2014. Allen Lichtenstein and Staci Pratt, along with Amanda Morgan were the
5 attorneys for the ACLUN. Mr. Lichtenstein and Ms. Pratt then continued to represent Plaintiffs
6 after leaving the ACLU of Nevada. Shortly thereafter, on or about December 2, 2014, Ms. Pratt
7 left Nevada and her Nevada Bar membership went inactive. Mr. Lichtenstein continued
8 representation of Plaintiffs by himself until Mr. Scott entered the case pro hac vice on July 7,
9 2015. Mr. Lichtenstein and Mr. Scott represent Plaintiffs to this day, including a 5-day bench trial
10 and extensive pre-trial and post trial briefing, including extensive written closing arguments. On
11 July 20, 2017, the Court issued its Findings of Fact and Conclusions of Law and Judgment in
12 favor of Plaintiff, awarding each Plaintiff the sum of \$200,000.
13

14
15 **3. The work actually performed by the lawyer: the skill, time and**
16 **attention given to the work;**

17 Although four separate attorneys represented Plaintiffs at one time or other during this
18 case, the bulk of the work was done by two lawyers: Allen Lichtenstein and John H. Scott.

19 **a. Allen Lichtenstein**

20 Allen Lichtenstein entered the case as Plaintiffs’ counsel at its commencement, in his
21 capacity as General Counsel for the ACLUN. Since July 31, 2014, he has continued this
22 representation as a private attorney, where he has accumulated 690.77 hours of work on this case,
23 at a rate of \$600 per hour for a total of \$414,460.00 (See Declaration of Allen Lichtenstein,
24 Exhibit 2). As set forth in Mr. Lichtenstein’s attached Declaration, he was responsible for the bulk
25 of the extensive briefing, including the written closing briefs, and served as second chair during
26 the trial. He was also responsible for discovery, witness and trial preparation.
27

28 **b. John H. Scott**

1 John H. Scott, a licensed California lawyer, entered the case pro hac vice on July 7, 2015.
2 He was associated in because of his extensive background in trying civil rights cases. At the time
3 Mr. Scott entered the case, Mr. Lichtenstein was the sole counsel for Plaintiffs. Mr. Scott has
4 accumulated 383.50 hour of work on this case, at a rate of \$650 per hour for a total of
5 \$249,275.00. (See, Declaration of John H. Scott. Exhibit 1). As set forth in Mr. Scott's attached
6 Declaration he was responsible for conducting the trial. He was also involved in trial preparation,
7 discovery, depositions and briefing.
8

9 **c. Staci Pratt**

10 Staci Pratt entered the case as Plaintiffs' counsel at its commencement, in her capacity as
11 Legal Director for the ACLUN. Between July 31, 2014 and December 2, 2014, she represented
12 Plaintiffs as a private attorney, where she accumulated 20.8 hour of work on this case, at a rate of
13 \$450 per hour for a total of \$10,980.00 (See Declaration of Allen Lichtenstein, Exhibit 2) Staci
14 Pratt was involved early in the case with client contact, helping to draft the original Complaint and
15 the Opposition to the Motion to Dismiss, and the Amended Complaint.
16

17 **d. Amanda Morgan**

18 Amanda Morgan was involved in the early stages of the case with the ACLUN. She
19 assisted with background research and client meetings for this case. (See Declaration of Allen
20 Lichtenstein, Exhibit 2). All of her work was through the ACLUN through July 2014, where she
21 accrued 31.95 hours at a rate of \$225 per hour, totaling \$7,188.75. The ACLUN also utilized interns
22 at the rate of \$125 per hour for 20.3 hours, totaling \$2,537.50.
23

24 **4. The result: whether the attorney was successful and what benefits were**
25 **derived.**

26 The success of the efforts of Plaintiffs' attorneys is unambiguous. Plaintiffs prevailed on
27 both of the claims for relief, at trial and each received damages in the sum of \$200,000. Plaintiffs'
28

1 victory was complete. However, in pursuing their case, Plaintiffs incurred significant attorneys
2 fees that are the subject of this motion.

3 **IV. Plaintiffs are entitled to an award of costs.**

4 **A. Plaintiffs are entitled to recover the costs of litigation.**

5 N.R.S. § 18.020 states that prevailing parties are entitled to recover their costs. Plaintiffs
6 are also entitled to costs pursuant to 42 U.S.C. § 1988. *See, Illick v. Miller*, 68 F.Supp.2d 1169,
7 1181-1182 (D.Nev. 1999)(Plaintiffs are entitled to recover reasonable litigation expenses.)
8 Plaintiffs are also entitled to an award of costs representing out-of-pocket litigation expenses.
9 *United Steelworkers of America v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1989). In
10 total, plaintiffs seek an award of \$716,691.06. This includes costs incurred in travel (airfare, car
11 rental, hotels and food, gasoline and the like), telephone, postage and photocopying. *Illick*, 68 F.
12 Supp. 2d at 1181.
13

14 On July 27, Plaintiffs filed a Verified Memorandum of Costs. As Defendants noted in
15 their July 31, 2017 Motion to Retax Costs, certain invoices verifying these costs were
16 inadvertently missing. Attachment 4 to Exhibit 2 (Declaration of Allen Lichtenstein) lists all of
17 the recalculated costs and has the complete documentation attached. These costs are neither
18 duplicative nor excessive.
19

20 **B. Plaintiffs are entitled to attorney fees in connection to the Motion for Attorney**
21 **fees.**

22 Work performed on a motion for fees under 42 U.S.C. § 1988 is compensable. *D'Emanuele*
23 *v. Montgomery Ward & Co.*, 904 F.2d 1379, 1387 (9th Cir. 1990); *In re Nucorp Energy*, 764 F.2d
24 655, 660 (9th Cir. 1985). Plaintiffs are entitled to attorney fees for the time spent preparing this
25 motion, as set forth in the attached Declarations of John H. Scott and Allen Lichtenstein.
26

27 **III. Conclusion**
28

1 WHEREFORE, Plaintiffs having prevailed in this case, requests that this Honorable Court
 2 grant Plaintiffs motion, and grant fees in the amounts requested, as follows:

	rate per hr.	hrs expended	total
3 Fees for John H. Scott:	\$650	383.50	\$249,275.00
4			
5 Fees for Allen Lichtenstein:	\$600	690.77	\$414,460.00
6 (as a private attorney)			
7 Staci Pratt	\$450	20.80	\$ 10,980.00
8 (as a private attorney)			
9 Fees for the ACLUN	var	70.45	\$ 19,356.25
10 Lichtenstein	\$600	9.6	\$5,670.00
11 Pratt	\$450	8.6	\$3,870.00
12 Morgan	\$225	31.95	\$7,188.75
13 Interns	\$125	20.3	\$2,537.50
14			
15 Total fees			\$694,071.25
16 Costs:			\$ 22,619.81
17 Total			\$716,691.06

18 Dated this 9th day of August 2017,

19 Respectfully submitted by:

21 /s/Allen Lichtenstein
 22 Allen Lichtenstein
 23 Nevada Bar No. 3992
 24 ALLEN LICHTENSTEIN LTD.
 25 3315 Russell Road, No. 222
 26 Las Vegas, NV 89120
 27 Tel: 702.433-2666
 28

1 Fax: 702.433-9591
2 allaw@lvcoxmail.com

3
4 John Houston Scott (CA Bar No. 72578)
5 Admitted Pro Hac Vice
6 SCOTT LAW FIRM
7 1388 Sutter Street, Suite 715
8 San Francisco, CA 94109
9 Tel: 415.561.9601
10 john@scottlawfirm.net
11 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
12 *Aimee Hairr and Nolan Hairr*

13
14 **CERTIFICATE OF SERVICE**

15 I hereby certify that I served the following Motion for Fees and Costs via Court's electronic
16 filing and service system and/or United States Mail and/or e-mail on the 9th day of August 2017,
17 to:

18 Dan Polsenberg
19 Dan Waite
20 Lewis Rocha Rothgerber Christie
21 3993 Howard Hughes Pkwy., Suite 600
22 Las Vegas, NV 89169-5996

23 DPolsenberg@lrrc.com
24 DWaite@lrrc.com

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/s/ Allen Lichtenstein

EXHIBIT 1

DECLARATION OF JOHN H. SCOTT

001578

001578

1 ALLEN LICHTENSTEIN (SBN 3992)

2 Attorney at Law

3 3315 Russell Road, #222

4 Las Vegas, NV 89120

5 Telephone: (702) 433-2666

6 Facsimile: (702) 433-9591

7 allaw@lvcoxmail.com

8 JOHN HOUSTON SCOTT (SBN 72578)

9 (pro hac vice)

10 **SCOTT LAW FIRM**

11 1388 Sutter Street, Suite 715

12 San Francisco, California 94109

13 Telephone: (415) 561-9600

14 Facsimile: (415) 561-9609

15 john@scottlawfirm.net

16 Attorneys for Plaintiffs MARY BRYAN,
17 mother of ETHAN BRYAN and AIMEE HAIRR,
18 mother of NOLAN HAIRR

11 DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 MARY BRYAN, mother of ETHAN BRYAN;
14 AIMEE HAIRR, mother of NOLAN HAIRR,

15 Plaintiffs,

16 vs.

17 CLARK COUNTY SCHOOL DISTRICT,

18 Defendant.

Case No. A-14-700018-C

Dept. No. XXVII

**DECLARATION OF JOHN HOUSTON
SCOTT IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES
AND EXPENSES**

1 I, John H. Scott, declare as follows:

2 1. I am co-counsel for the plaintiffs in the above-captioned matter. I was one of
3 two trial counsel who tried the case on behalf of the plaintiffs. I make this declaration in
4 support of plaintiffs' motion for attorneys' fees and expenses for time spent on this case.

5 2. I graduated from Golden Gate University School of Law in June 1976. On
6 December 22, 1976, I was admitted to practice in the State of California. On that same date I
7 was also admitted to practice in the United States District Court for the Northern District of
8 California. I have also been admitted to practice in the United States District Court for the
9 Central District of California, the United States District Court for the Eastern District of
10 California, the United States District Court for the Southern District of California, the United
11 States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I
12 have been in private practice for 40 years, since January 1977. Attached hereto as Exhibit A is
13 my current curriculum vitae.

14 3. Since becoming a member of the Bar, I have been involved in over 250 cases
15 spanning the broad spectrum of civil rights and constitutional law. I have extensive experience
16 litigating against public entities.

17 4. I am listed as counsel over 150 cases in the Northern District of California and 60
18 cases in the Ninth Circuit.

19 5. I have tried over 150 cases to verdict. I have argued in the Ninth Circuit Court of
20 Appeals over 40 times. Attached as Exhibit A is a true and accurate list of my cases that have
21 resulted in published decisions in both federal and state courts.

22 6. I have lectured, written, and consulted about civil rights litigation.

23 7. For most of my career I have specialized in civil rights litigation with an emphasis
24 on Section 1983 actions. My practice now also includes an emphasis on elder financial abuse. My
25 experience is that many civil rights cases go to trial and many result in defense verdicts. Often
26 these cases do not settle for reasons that tend to be more political than business related, especially
27 cases that involve police, prisons, or claims brought by public employees. Most attorneys are
28

1 reluctant to pursue civil rights claims for purely economic reasons. These cases are hard fought
2 coupled with the perception that "you can't fight City Hall." As a young attorney I became
3 attracted to civil rights cases because they were based on intentional violations of the Constitution.
4 Most of my clients were poor and vulnerable and did not incur substantial economic damages,
5 even in death cases. The reward for pursuing these cases was, in part, the vindication of a
6 Constitutional right and the promise of attorneys' fees if I prevailed at trial. Some of my cases
7 resulted in significant policy changes in police departments, state mental hospitals, and the
8 California Department of Corrections. This case presented an opportunity to achieve all of these
9 goals.

10 8. Prior to associating into this case my experience representing minors related
11 primarily to cases involving children who had been sexually or physically abused in custodial
12 settings or foster care. In addition, I have represented a number of minors in wrongful death, civil
13 rights cases where their parents had been killed by state actors in the field or in custodial settings.

14 9. I also have represented a number of employees in cases alleging sexual harassment
15 and/or racial harassment in the work place. My experience in employment cases has often
16 involved whistleblowers and related retaliation that has taken various forms from death threats to
17 termination. I more recently was involved in retaliation cases that overlapped with Qui Tam (False
18 Claims Act) allegations.

19 10. My forty years of practice as a civil rights attorney has also involved numerous
20 Section 1983 cases that were based in whole, or in part, on a theory of "deliberate indifference."
21 This often arose in custodial type situations where children, patients or inmates were dependent
22 upon state actors for their safety and well-being. The common theme was a statutory and/or
23 constitutional duty to protect someone from a known risk of serious harm.

24 11. In recent years I have also associated as co-counsel (pro hoc vice) outside of
25 California in Arizona, Colorado and Florida. This was my first case that went to trial in Nevada.

26 12. I was first contacted by Allen Lichtenstein in March 2015 about possible
27 association into this case. We had a mutual friend in common. He wanted to associate with an
28 experienced trial attorney to assist him in conducting discovery and preparing the case for trial.

1 He also indicated that this case would be hotly contested and it was likely the case would go to
2 trial.

3 13. I was then provided with the pleadings that existed to date, the applicable Nevada
4 statutes that applied, and obtained information regarding some of the factual and legal issues
5 anticipated to be in dispute. I agreed to associate into the case in May 2015.

6 14. It was agreed that Mr. Lichtenstein would be primarily responsible for the legal
7 research and motion work while I would focus my energy on the depositions, and related
8 discovery, of the key school actors regarding liability.

9 15. Prior to conducting the depositions of Principal Warren McKay and Dean Cheryl
10 Winn in November 2015 I reviewed a number of documents produced during discovery and
11 conferred with my clients. Based on the statutory duties and available information I anticipated
12 that these depositions would help answer a number of questions central to the case.

13 16. On November 2, 2015 I took the deposition of Principal Warren McKay. The next
14 day I took the deposition of Dean Cheryl Winn. I was shocked to discover that both witnesses
15 claimed to have no knowledge of the alleged bullying and harassment that was reported in two
16 emails that were sent to school employees (mandated reporters) – one on September 15, 2011 and
17 a second on October 19, 2011 – until February 2012. These depositions raised more questions
18 than they answered. I was also struck by the lack of genuine concern or remorse they had for
19 Ethan Bryan and Nolan Hairr after conceding that an investigation in February 2012 confirmed the
20 boys' allegations.

21 17. The remaining depositions of Vice-Principal Leonard DePiazza, Counselor John
22 Halpin and teacher Robert Beasley now took on greater importance and more preparation than I
23 initially anticipated. I returned to Las Vegas in late January 2016 to conduct these depositions,
24 plus that of a District Official, Andre Long. Mr. Long did not get involved in the situation until
25 February 2012.

26 18. I conducted the depositions of deponents DePiazza, Halpin, Beasley and Long on
27 January 25, 26, 27 and 28, 2016 respectively. I do not recall ever being involved in a case where
28 there were so many material contradictions between witnesses represented by the same attorneys.

1 Unlike the typical case where there are genuine factual disputes between adversaries, here the
2 factual disputes and contradictions between the school witnesses predominated.

3 19. Given the impeachment and rebuttal among and between key school witnesses I
4 anticipated an opportunity to settle the case. Instead the resolve and determination by the School
5 District increased. The Defendants filed a motion for summary judgment on March 1, 2016. I
6 took over the responsibility to respond to the fact section of the motion and prepare Plaintiffs'
7 statement of facts in opposition to the motion. This included careful review of the deposition
8 testimony in order to demonstrate contradictions and inconsistencies. I also coordinated with Mr.
9 Lichtenstein regarding legal and evidentiary issues related to the motion as well as ongoing
10 additions, edits and revisions of the entire memorandum.

11 20. On or about July 25, 2016 the court denied the motion for summary judgment. A
12 November 2016 trial date was looming. In mid to late October 2016 I began trial preparation.
13 The initial phase involved coordinating with Mr. Lichtenstein regarding an overall strategy as to
14 how to best present the case. This included consideration of which witnesses to call and in what
15 order. We also discussed trial exhibits, anticipated evidentiary issues and potential motions *in*
16 *limine*.

17 21. I took over the primary responsibility of trying the case whereas Mr. Lichtenstein
18 devoted himself to briefing the legal issues both prior to and during trial. I am accustomed to
19 trying cases to juries, however, both Mr. Lichtenstein and I both believed that the complexity of
20 the factual and legal issues made this case better suited for a court trial.

21 22. The trial of this case commenced on November 15, 2016. The evidence concluded
22 on November 22, 2016. For two weeks I devoted most of my time to either preparing for trial or
23 trying the case. During the trial I spent substantial time consulting with Mr. Lichtenstein
24 regarding trial tactics and strategy as the evidence in the case developed.

25 23. After the trial Mr. Lichtenstein took over primary responsibility for post-trial
26 briefing and related matters. However, I did assume the responsibility for reviewing the
27 transcripts of the trial testimony, providing Mr. Lichtenstein a summary of key testimony, and
28 preparing portions of the Closing Argument that related to the testimony of witnesses.

Exhibit A

JOHN HOUSTON SCOTT**SCOTT LAW FIRM**

1388 Sutter Street, Suite 715, San Francisco, CA 94109
 Tel.: (415) 561-9601 • E-MAIL: john@scottlawfirm.net

EDUCATION:

Golden Gate University
 San Francisco, California
 J.D., 1976

University of California, Santa Barbara
 Santa Barbara, California
 B.A., Religious Studies, 1970

BAR MEMBERSHIP:

Supreme Court of the State of California
 Supreme Court of the United States of America
 United States Court of Appeals, Ninth Circuit
 United States District Court, Northern District of California
 United States District Court, Southern District of California
 United States District Court, Eastern District of California
 United States District Court, Central District of California

EXPERIENCE:**2002 – PRESENT**

SCOTT LAW FIRM
 1388 SUTTER STREET, SUITE 715
 SAN FRANCISCO, CALIFORNIA

In 2003 Liza de Vries joined the firm and we have focused on complex civil rights and elder financial abuse litigation.

1995 – 2002

PRENTICE & SCOTT
 433 TURK STREET
 SAN FRANCISCO, CALIFORNIA

Partner and founder of small general practice firm with emphasis on civil-rights litigation.

1985 – 1995

LAW OFFICE OF JOHN HOUSTON SCOTT
 433 TURK STREET
 SAN FRANCISCO, CALIFORNIA

Private practice with emphasis in civil-rights litigation.

1978 – 1984

COLE AND SCOTT
 2256 VAN NESS AVENUE
 SAN FRANCISCO, CALIFORNIA

Partner and founder of small general practice firm with emphasis on civil-rights litigation.

**REPORTED
 DECISIONS:**

(Attached)

**MAJOR
 ACCOMPLISHMENTS:**

Co-Counsel with the Regional Counsel for the NAACP, Western Region, representing Plaintiffs in major civil-rights litigation against the City of Richmond. *White v. City of Richmond*, 713 F.2d 458(9th Cir. 1983); 599 F. Supp. 127 (N.D. Cal. 1982) and *Roman v. City of Richmond*, 570 F. Supp. 1544 and 570 F. Supp. 1554 (N.D. Cal. 1983). In June 1983 that litigation culminated in a \$3million dollar jury verdict arising out of a pattern and practice/ wrongful death case. As a result of this litigation significant reforms were implemented in the Richmond Police Department and the Chief of Police resigned.

In *Estate of Adams v. Gomez*, N.D. Cal No. C 95-0701 WHO the plaintiffs brought a lawsuit claiming that the shooting death of an inmate at San Quentin State Prison resulted from the implementation of an unconstitutional shooting policy. In November 1998 a federal jury returned a \$2.3 million dollar verdict against three defendants including \$1.5 million dollars in punitive damages against the former Director of the Department of Corrections. Shortly after the verdict the Department of Corrections significantly changed its shooting policy resulting in the number of shootings and shooting deaths to drop dramatically.

I was co-counsel with John Burris and James Chanin in the Oakland "Riders" litigation (*Delphine Allen, et. al. v, City of Oakland, et al.*, N.D. Cal. No. 00-4599 THE), where we represented 119 victims of a cadre of corrupt OPD officers who subjected numerous citizens, most of them African-American, to violations of their civil-rights. In 2003, after over two years of litigation, the City of Oakland agreed to a monetary settlement in excess of ten million dollars and a consent decree intended to substantially reform the OPD's Internal Affairs Division and the manner in which the OPD monitors and supervises its officers.

References available upon request -- revised May 2013

PUBLISHED DECISIONS

FEDERAL COURTS:

Boyd v. Bechtel Corp., 485 F.Supp. 610 (N.D. Cal. 1979)
White v. City of Richmond, 559 F.Supp. 127 (N.D. Cal. 1982)
White v. City of Richmond, 713 F.2d 458 (9th Cir. 1983)
Roman v. City of Richmond, 570 F.Supp. 1554 (N.D. Cal. 1983)
Estate of Cartwright v. City of Concord, 618 F.Supp. 722 (N.D. Cal. 1985)
Estate of Conners v. O'Connor, 846 F.2d 1205 (9th Cir. 1988)
Schwartzman v. Valenzuela, 846 F.2d 1209 (9th Cir. 1988)
Estate of Cartwright v. City of Concord, 856 F.2d 1437 (9th Cir. 1988)
Fuller v. City of Oakland, 47 F.3d 1522 (9th Cir. 1995)
Gaston v. Colio, 883 F.Supp. 508 (S.D. Cal. 1995)
Thompson v. Mahre, 110 F.3d 716 (9th Cir. 1997)
Jeffers v. Gomez, 267 F.3d 895 (9th Cir. 2001)
Estate of Ford v. Ramirez-Palmer, 301 F.3d 1043 (9th Cir. 2001)
Sepatis v. City & County of San Francisco, 217 F.Supp. 2d 992 (N.D. Cal. 2002)
Miles v. State of California, 320 F.3d 986 (9th Cir. 2003)
Estate of Imrie v. Golden Gate Bridge Highway and Transp. Dist., 282 F.Supp. 2d 1145 (N.D. Cal. 2003)
Laurie Q. v. Contra Costa County, 304 F.Supp.2d 1185 (N.D. Cal. 2004)
Tennison v. City and County of San Francisco, 548 F.3d 1293 (9th Cir. 2008)
Antoine v. County of Sacramento, 583 F.Supp.2d 1174 (E.D. Cal. 2008)
Tennison v. City and County of San Francisco, 570 F.3d 1078 (9th Cir. 2009)
Vinatieri v. Mosley, 787 F.Supp.2d 1022 (N.D. Cal. 2011)
A. D. v. State of Cal. Highway Patrol, 712 F.3d 446 (9th Cir. 2013), cert. denied, 134 S.Ct. 531, 187 L. Ed. 2d 394 (Nov. 4, 2013)
Martensen v. Koch, 942 F. Supp. 2d 983 (N.D. Cal. 2013)

STATE COURTS:

Alarcon v. Murphy, 201 Cal.App.3d 1 (1988)
Baber v. Napa State Hosp., 209 Cal.App.3d 213 (1989)
Kagy v. Napa State Hosp., 28 Cal.App.4th 1 (1994)
Flannery v. California Highway Patrol, 61 Cal.App.4th 629 (1998)

Exhibit B

Scott Law Firm

1388 Sutter Street, Suite 715 San Francisco, CA 94109 (415) 561-9600

John Scott's Hours re: Mary Bryan and Amy Hairr

			<u>Hours</u>
3/16/2015	JHS	Telephone conference with Allen Lichtenstein re possible association.	0.50
4/9/2015	JHS	Telephone conference with Allen Lichtenstein re potential fee agreement.	0.30
4/10/2015	JHS	Review pleadings.	1.30
4/15/2015	JHS	Email from Allen Lichtenstein re fee agreement.	0.20
4/20/2015	JHS	Telephone conference with Allen Lichtenstein re background and history of case.	0.80
5/13/2015	JHS	Association of counsel.	0.20
5/27/2015	JHS	Telephone conference with Allen Lichtenstein.	0.30
6/18/2015	JHS	Telephone conference with Allen Lichtenstein re initial disclosures.	0.50
6/22/2015	JHS	Review initial disclosures.	0.70
7/14/2015	JHS	Email re scheduling of depositions.	0.20
7/20/2015	JHS	Email re scheduling of depositions.	0.20
7/27/2015	JHS	Review Joint Case Conference Report.	0.30
8/13/2015	JHS	Telephone conference with Allen Lichtenstein re: scheduling depositions	0.40
8/17/2015	JHS	Telephone conference with Allen Lichtenstein re: scheduling depositions.	0.20
9/28/2015	JHS	Email re deposition schedule.	0.20
10/1/2015	JHS	Email re deposition schedule.	0.20
10/2/2015	JHS	Email re deposition schedule.	0.20
10/14/2015	JHS	Telephone conference with Allen Lichtenstein re: discovery and depositions.	0.80
10/16/2015	JHS	Telephone conference with Allen Lichtenstein review documents	2.30
10/20/2015	JHS	Telephone conference with Allen Lichtenstein re statutes and regulations.	0.50
10/23/2015	JHS	Telephone conference with Allen Lichtenstein re school district and parallel litigation.	0.40
10/25/2015	JHS	Obtain information and timelines from clients.	1.50
10/28/2015	JHS	Email - confirm depositions; prep for depositions.	1.80
10/29/2015	JHS	Telephone conference with Allen Lichtenstein; email from Allen; prep for Winn. deposition.	3.50
10/30/2015	JHS	Emails with Allen Lichtenstein; travel to Las Vegas; for depositions.	5.20
11/1/2015	JHS	Prep for depositions; telephone conference with clients; meet with Allen.	6.50
11/02/2015	JHS	Prep for deposition; deposition of Warren McKay; confer with Allen Lichtenstein.	10.50
11/03/2015	JHS	Prep for deposition; deposition of Cheryl Winn; confer with Allen Lichtenstein; return to	11.50
11/04/2015	JHS	Telephone conference with Allen Lichtenstein; obtain information from clients.	1.30
11/05/2015	JHS	Emails re settlement potential and strategy.	0.40
11/06/2015	JHS	Telephone conference with Allen Lichtenstein; emails from clients re verdicts in similar cases.	0.70
11/07/2015	JHS	Review and revise timeline.	0.50
11/09/2015	JHS	Telephone conference with Allen Lichtenstein re discovery responses.	0.30
11/10/2015	JHS	Review draft of discovery responses; telephone conference with Allen Lichtenstein.	1.20

11/11/2015	JHS	multiple emails re discovery responses; telephone conference with Allen Lichtenstein.	2.50
11/12/2015	JHS	Telephone conference with Allen Lichtenstein and email re scheduling depositions and strategy.	0.50
11/13/2015	JHS	Telephone conference with Allen Lichtenstein and email re protective order re medical records.	0.30
11/15/2015	JHS	Summarize Winn deposition; email to Allen Lichtenstein.	4.40
11/16/2015	JHS	Telephone conference with Allen Lichtenstein.	0.50
11/19/2015	JHS	Email re scheduling of Ethan's and Nolan's depositions.	0.20
11/20/2015	JHS	Stipulation re expert discovery.	0.20
11/24/2015	JHS	Telephone conference with Allen Lichtenstein.	0.20
11/30/2015	JHS	Review transcript of Wright deposition and responses to discovery requests.	3.20
12/01/2015	JHS	Telephone conference with Allen Lichtenstein.	0.20
12/02/2015	JHS	Email re scheduling of depositions; telephone conference with Allen Lichtenstein.	0.30
12/03/2015	JHS	Notice depositions.	0.40
12/04/2015	JHS	Telephone conference with Allen Lichtenstein.	0.50
12/07/2015	JHS	Request def's counsel to include me in emails.	0.20
12/09/2015	JHS	Emails re discovery issues.	0.20
12/10/2015	JHS	Schedule depositions of Connor and Dante.	0.20
12/11/2015	JHS	Telephone conference with Allen Lichtenstein.	0.20
12/15/2015	JHS	Emails re depositions of treating doctors and plaintiffs.	0.20
12/20/2015	JHS	Telephone conference with Allen Lichtenstein.	0.30
12/22/2015	JHS	Telephone conference with Allen Lichtenstein.	0.20
12/24/2015	JHS	Email re damage calculation dispute; telephone conference with Allen Lichtenstein	0.50
12/28/2015	JHS	Review stipulation re discovery dispute.	0.20
01/04/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
01/05/2016	JHS	Review deposition of Nolan Hairr; telephone conference with Allen Lichtenstein.	2.60
01/06/2016	JHS	Consult with Allen Lichtenstein re discovery dispute re medical records.	0.50
01/08/2016	JHS	Telephone conference with Allen Lichtenstein re discovery matters.	0.30
01/11/2016	JHS	Multiple emails re scheduling of deposition and discovery issues and motion to compel.	0.60
01/13/2016	JHS	Multiple emails re motion to compel damage calculation.	0.30
01/14/2016	JHS	Telephone conference with Allen Lichtenstein and emails re discovery issues.	0.50
01/19/2016	JHS	Multiple emails re discovery issues; telephone conference with Allen Lichtenstein re upcoming depositions; review depositions of Connor and Dante.	2.30
01/20/2016	JHS	Review response to motion to compel; legal research; prep for depositions.	3.50
01/21/2016	JHS	Emails regarding scheduling of depositions; prep for depositions.	3.00
01/22/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein; prep for depositions.	4.80
01/24/2016	JHS	Travel to Las Vegas; meet with Allen L and clients; prep for depositions.	9.00
01/25/2016	JHS	Prep for depositions; deposition of Leonard DePlazza; meet with Allen Lichtenstein.	8.30
01/26/2016	JHS	Prep for depositions; deposition of Robert Beasley; meet with Allen Lichtenstein.	7.50
01/27/2016	JHS	Prep for depositions; deposition of John Halpin; meet with Allen Lichtenstein.	8.50
01/28/2016	JHS	Prep for deposition; deposition of Andre Long; meet with Allen Lichtenstein; travel to SF.	9.50
01/29/2017	JHS	Telephone conference with Allen Lichtenstein; review supplemental disclosures	0.50
02/01/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein.	0.60
02/02/2016	JHS	Multiple emails; review information from clients; telephone conference with Allen Lichtenstein	1.20

02/03/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
02/12/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
02/16/2016	JHS	Telephone conference with Allen Lichtenstein.	0.50
02/17/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
02/22/2016	JHS	Review demand letter; telephone conference with Allen Lichtenstein.	0.70
02/24/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
02/25/2016	JHS	Review and revise letter; telephone conference with Allen Lichtenstein.	0.80
02/26/2016	JHS	Telephone conference with Allen Lichtenstein.	0.30
03/02/2016	JHS	Telephone conference with Allen Lichtenstein re MSJ.	0.50
03/03/2016	JHS	Emails re Defendants MSJ; legal research; summarize depositions.	6.50
03/07/2016	JHS	Initial draft of facts in opposition to MSJ; review transcripts.	5.30
03/08/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein.	0.60
03/09/2016	JHS	Prep memo re factual disputes; multiple emails; telephone conference with Allen Lichtenstein.	4.80
03/10/2016	JHS	Draft opposition to MSJ; multiple emails; telephone conference with Allen Lichtenstein.	5.00
03/11/2016	JHS	Draft opposition to MSJ; multiple emails.	6.40
03/14/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein re MSJ, discovery and trial date	3.50
03/15/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
03/16/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
03/17/2016	JHS	Stipulation re trial date; review transcripts.	2.50
03/18/2016	JHS	Telephone conference with Allen Lichtenstein; email from Allen; prep for Winn deposition.	3.30
03/21/2016	JHS	Telephone conference with Allen Lichtenstein re discovery order and MSJ; telephone conference with clients re key events; review transcripts.	3.50
03/24/2016	JHS	Telephone conference Dan Siegel; telephone conference with Jim Quadra; google research re bullying and gender issues.	2.80
03/25/2016	JHS	Review transcripts of Ethan, Nolan, Connor and Dante – compare to Beasley and Winn.	4.50
03/28/2016	JHS	Revise and expand statement of facts in opposition to MSJ; prep declaration and review exhibits.	6.00
03/29/2016	JHS	Telephone conference with Allen Lichtenstein; opposition to MSJ.	5.50
03/30/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein; review and revise opposition to MSJ.	4.20
03/31/2016	JHS	Multiple emails; review and revise opposition to MSJ.	2.50
04/01/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails re MSJ; final edits and revisions.	3.50
04/02/2016	JHS	Multiple emails.	0.30
04/11/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
04/13/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
04/19/2016	JHS	Telephone conference with Allen Lichtenstein; review reply brief.	1.80
04/21/2016	JHS	Telephone conference with Allen Lichtenstein.	0.50
04/28/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails.	0.50
05/04/2016	JHS	Multiple emails.	0.30
05/05/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein.	0.50
05/06/2016	JHS	Multiple emails.	0.40
05/09/2016	JHS	Multiple emails; telephone conference with Allen Lichtenstein.	0.40
05/10/2016	JHS	Multiple emails.	0.30
05/13/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails.	0.50
05/17/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
05/18/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
07/25/2016	JHS	Telephone conference with Allen Lichtenstein re order on MSJ; review order.	1.50

07/26/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
08/05/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
08/12/2016	JHS	Telephone conference with Allen Lichtenstein re motion for reconsideration.	0.50
08/24/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
08/30/2016	JHS	Email re motion to consider.	0.20
08/31/2016	JHS	Email; telephone conference with Allen Lichtenstein.	0.50
10/15/2016	JHS	Multiple emails re trial and trial preparation.	0.40
10/16/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails.	0.80
10/17/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails; trial preparation.	2.30
10/18/2016	JHS	Telephone conference with Allen Lichtenstein; multiple emails; trial preparation.	2.50
10/19/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
10/21/2016	JHS	Trial preparation; telephone conference with Allen Lichtenstein; multiple emails.	2.70
10/24/2016	JHS	Telephone conference with Allen Lichtenstein; trial preparation; multiple emails.	3.80
10/26/2016	JHS	Telephone conference with Allen Lichtenstein; trial preparation; multiple emails.	2.20
10/27/2016	JHS	Telephone conference with Allen Lichtenstein; trial preparation; multiple emails.	3.00
10/28/2016	JHS	Conference call; multiple emails; trial preparation.	4.50
11/01/2016	JHS	Telephone conference with Allen Lichtenstein.	0.40
11/02/2016	JHS	Trial preparation; multiple emails.	2.50
11/03/2016	JHS	Telephone conference with Allen Lichtenstein.	0.20
11/08/2016	JHS	Trial preparation; multiple emails; telephone conference with Allen Lichtenstein.	3.80
11/09/2016	JHS	Trial preparation; multiple emails.	3.00
11/10/2016	JHS	Trial preparation; multiple emails.	4.50
11/11/2016	JHS	Trial preparation; multiple emails.	3.30
11/13/2016	JHS	Trial preparation.	5.50
11/14/2016	JHS	Travel to Las Vegas; trial preparation.	8.50
11/15/2016	JHS	Trial preparation and trial.	11.50
11/16/2016	JHS	Trial preparation and trial.	11.00
11/17/2016	JHS	Trial preparation and trial.	11.50
11/18/2016	JHS	Trial preparation and trial.	9.50
11/20/2016	JHS	Trial preparation.	2.30
11/21/2016	JHS	Trial preparation.	3.80
11/22/2016	JHS	Trial preparation and trial; travel to SF.	7.50
01/03/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
01/05/2017	JHS	Telephone conference with Allen Lichtenstein re delay in getting trial transcripts.	0.20
01/08/2017	JHS	Multiple emails re stipulation to extend briefing schedule.	0.30
01/09/2017	JHS	Email re delay in transcripts.	0.20
01/10/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
01/11/2017	JHS	Emails re stipulation to extend briefing schedule.	0.30
01/13/2017	JHS	Review stipulation to extend briefing schedule.	0.20
02/14/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
02/16/2017	JHS	Receive trial transcripts and commence review.	1.20
02/20/2017	JHS	Telephone conference with Allen Lichtenstein re division of labor.	0.50
02/22/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20

02/23/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
03/06/2017	JHS	Review and summarize trial transcripts.	5.50
03/07/2017	JHS	Review and summarize trial transcripts.	3.80
03/08/2017	JHS	Review and summarize trial transcripts.	4.40
03/09/2017	JHS	Compare and contrast trial testimony.	6.50
09/10/2017	JHS	Telephone conference with Allen Lichtenstein re Closing Brief.	0.50
03/19/2017	JHS	Review and revise Closing Argument.	1.80
03/20/2017	JHS	Telephone conference with Allen Lichtenstein; review and revise Closing Argument.	2.30
04/07/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
04/13/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
04/17/2017	JHS	Emails regarding extension to file Defendant's Closing; telephone conference with Allen Lichtenstein	0.30
04/20/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
04/21/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
05/01/2017	JHS	Review Defendant's Closing Brief	1.70
05/03/2017	JHS	Telephone conference with Allen Lichtenstein re Reply Brief.	0.80
05/09/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
05/23/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
05/24/2017	JHS	Review emails; telephone conference with Allen Lichtenstein.	0.50
05/25/2017	JHS	Review and revise Reply Brief; telephone conference with Allen Lichtenstein.	2.80
05/26/2017	JHS	Multiple emails; review and revise Reply Brief.	3.50
06/04/2017	JHS	Receive and review motion to strike.	1.50
06/17/2017	JHS	Multiple emails; telephone conference with Allen Lichtenstein re opposition to motion to strike; legal research.	3.60
06/12/2017	JHS	Multiple emails, review opposition to motion to strike; telephone conference with Allen Lichtenstein.	2.20
06/22/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
06/30/2017	JHS	Review Decision and Order.	1.50
07/06/2017	JHS	Telephone conference with Allen Lichtenstein re Finding of Fact and Conclusions of Law.	0.50
07/10/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
07/13/2017	JHS	Telephone conference with Allen Lichtenstein.	0.20
07/14/2017	JHS	Telephone conference with Allen Lichtenstein re damage issue.	0.40
07/16/2017	JHS	Review and revise Findings of fact and Conclusions of Law.	1.30
07/17/2017	JHS	Telephone conference with Allen Lichtenstein; review and revise Findings of fact and Conclusions of Law.	2.50

Timekeeper Summary
John Houston Scott

Hours
383.50

Exhibit C

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7

8 A.D., a minor, *et al.*,

No. C 07-5483 SI

9 Plaintiffs,

**ORDER GRANTING PLAINTIFFS'
SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES AND COSTS**

10 v.

11 STATE OF CALIFORNIA HIGHWAY
12 PATROL, *et al.*,

13 Defendants.
14

15 Now before the Court is plaintiffs' supplemental motion for attorneys' fees and expenses. For
16 the reasons set forth below, the Court GRANTS plaintiffs' motion. Docket No. 173.

17 **BACKGROUND**

18 A jury trial was held in this wrongful death case from April 27 - May 7, 2009. The jury found
19 in favor of plaintiffs A.D. and J.E. on their claim that defendant Markgraf violated their Fourteenth
20 Amendment rights by unlawfully depriving them of their liberty interest in their family relationship with
21 their mother, Karen Eklund. In a bifurcated damages phase, the jury awarded \$30,000 to each plaintiff.
22 The Court entered final judgment on May 8, 2009, and by order filed June 23, 2009, denied defendant's
23 renewed motion for judgment as a matter of law and motion for a new trial. On July 9, 2009, defendant
24 filed a notice of appeal.

25 In an order filed November 10, 2009, the Court granted plaintiffs' motion for attorneys' fees and
26 costs. The Court rejected defendant's argument that the fee award should be reduced because plaintiffs
27 had achieved "limited success" at trial:
28

1 Although plaintiffs did not obtain substantial monetary damages, they received
2 much more than the nominal damages urged by defendant. Moreover, "[s]uccess is
3 measured not only by the amount of the recovery but also in terms of the significance
4 of the legal issue on which the plaintiff prevailed and the public purpose the litigation
5 served." *Morales v. City of San Rafael*, 96 F.3d 357, 365 (9th Cir. 1996). Plaintiffs
6 fully prevailed on their claims at trial, and in so doing vindicated their constitutional
7 rights. Wrongful death cases such as the instant one present questions of vital
8 importance to the public. In addition to obtaining relatively modest damages, plaintiffs
9 achieved "significant nonmonetary results" in that the jury's verdict will likely deter
10 defendant Markgraf from engaging in future unconstitutional conduct. *See id.* at 365.
11 Because of the significance of the legal issues and the deterrent effect of this case, the
12 Court rejects defendant's contention that the lodestar should be reduced due to the
13 discrepancy between the damages claimed in the litigation and the damages awarded.

14 Defendant also asserts that "the low verdict amount is not explained by the
15 difficulty or complexity of the case," and that the lodestar should be reduced because
16 this was "a straightforward police shooting case." Defendant's current position that
17 this case was simple is belied by the vigorous defense of this case; defendants moved
18 to dismiss, moved for summary judgment, contested liability at trial, and filed post-trial
19 motions seeking judgment as a matter of law and a new trial. Contrary to defendant's
20 assertions, this case was factually and legally complicated, and posed numerous
21 challenges for plaintiffs. Plaintiffs had to overcome defendants' assertion of qualified
22 immunity, and had to establish that defendant Markgraf acted with a purpose to harm
23 unrelated to a legitimate law enforcement objective, a very high standard. The only
24 witnesses to the incident were law enforcement officers, and there were factual
25 disputes about whether Eklund was attempting to run over officers when she was shot.
26 The complexity of the case is illustrated by the fact that defendants retained several
27 experts and prepared sophisticated and complicated video and computerized
28 reconstructions of the car chase and events leading up to the shooting.

16 Docket No. 144 at 3-4 (footnote omitted). Citing *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9th
17 Cir. 2009), the Court also held that it could not consider the parties' settlement negotiations in
18 determining a reasonable fee. *See id.* at 4. The Court awarded plaintiffs their lodestar and denied
19 plaintiffs' request for a multiplier. Defendant appealed the fee order.

20 The merits and fees appeals were briefed, and on November 30, 2010, the Ninth Circuit held oral
21 argument. On April 6, 2011, the Ninth Circuit issued its first opinion in this case. Docket No. 157. In
22 a published opinion, the Ninth Circuit reversed the judgment and held that defendant was entitled to
23 qualified immunity, and vacated the fee order in light of the disposition on the merits. *A.D. v. Markgraf*,
24 636 F.3d 555 (9th Cir. 2011). On April 20, 2011, plaintiffs filed a petition for rehearing en banc. On
25 May 10, 2011, the Ninth Circuit directed defendant to file a response. Docket No. 158. The Ninth
26 Circuit granted plaintiffs leave to file a reply, which plaintiffs filed on June 12, 2011. Docket No. 160.

27 On April 11, 2012, the Ninth Circuit withdrew its original opinion and issued an order directing
28 supplemental briefing. Docket No. 161. The Ninth Circuit directed the parties to answer two questions:

1 (1) "How should the qualified immunity framework be applied based on the jury's finding that
2 Defendant-Appellant violated Plaintiffs-Appellees' Fourteenth Amendment right to a familial
3 relationship?"; and (2) "Does the subjective requirement in this case that the Defendant-Appellant act
4 with a purpose to harm unrelated to a legitimate law enforcement objective in order to violate the
5 Plaintiffs-Appellees' Fourteenth Amendment right to familial association affect the qualified immunity
6 inquiry?" *Id.* The parties filed supplemental briefs, and on September 18, 2012, the Ninth Circuit held
7 a second argument on the appeals.

8 On April 3, 2013, the Ninth Circuit issued a new published opinion affirming this Court's denial
9 of defendant's motion for judgment as a matter of law. *See A.D. v. California Highway Patrol*, 712 F.3d
10 446 (9th Cir. 2013). The Court of Appeals held that there was sufficient evidence to support the jury's
11 verdict that defendant shot Karen Eklund with a purpose to harm unrelated to a legitimate law
12 enforcement objectives, and therefore that defendant was not entitled to qualified immunity.

13 The Ninth Circuit also reversed and remanded the fee award "so that the district court may
14 consider the amounts of Markgraf's settlement offers in determining a reasonable fee . . . in light of an
15 intervening change in Ninth Circuit law holding that Federal Rule of Evidence 408 does not bar district
16 courts in the Ninth Circuit from considering amounts discussed in settlement negotiations as evidence
17 of the extent of the plaintiff's success." *Id.* at 460-61 (citing *In re Kekaouha-Alisa*, 674 F.3d 1083,
18 1093-94 (9th Cir. 2012); *Ingram v. Oroudjian*, 647 F.3d 925, 927 (9th Cir. 2011)). The court further
19 instructed:

20 On remand, the district court has the discretion (1) to consider the amounts
21 discussed in settlement negotiations, or not; and (2) to give those amounts as much
22 or as little weight as it sees fit. *See Lohman v. Duryea Borough*, 574 F.3d 163, 169
23 (3d Cir.2009) (acknowledging that settlement offers are "clearly only one factor to
24 be considered in the award of fees," and that the district court "is also free to reject
25 such evidence as not bearing on success"); *cf. In re Kekaouha-Alisa*, 674 F.3d at
26 1093-94; *Ingram*, 647 F.3d 925 (adopting *Lohman's* holding that Federal Rule of
27 Evidence 408 does not bar consideration of settlement offers when making
28 attorneys' fee awards). It is not our place to opine as to how that discretion should
be exercised.

Id. at 461.

The plaintiffs filed a motion to transfer consideration of attorneys' fees for the appeal to this
Court. The Ninth Circuit granted the motion as to the merits appeal, but ruled that plaintiffs are not

1 entitled to fees for the appeal of the fee award.

2 In August 2013, defendant filed a petition for writ of certiorari in the United States Supreme
3 Court. On November 4, 2013, the Supreme Court denied the petition. *Markgraf v. A.D.*, No. 13-365,
4 2013 WL 5297886 (U.S. Nov. 4, 2013).

6 DISCUSSION

7 Plaintiffs seek attorneys' fees and expenses, broken down as follows: (1) the original fee award
8 pre-appeal of \$559,861.45 (merits fees of \$489,631.00; merits expenses of \$6,402.59; fees for original
9 fee petition of \$63,490.00; and fees expenses of \$337.86); (2) merits appeal work in the amount of
10 \$288,080.00; (3) work on the supplemental fee petition in the amount of \$57,428.90 (fees of \$57,285.00
11 and expenses of \$143.90); (4) post-appeal merits work of \$580.00; and (5) fees related to defendant's
12 petition for certiorari to the United States Supreme Court in the amount of \$3,012.50. In support of the
13 supplemental fee petition, plaintiffs have incorporated their submissions from the original fee petition,
14 and submitted supplemental declarations from John Scott and Thomas Greerty, Amitai Schwartz, and
15 Moira Duvernay. Mr. Scott and Mr. Greerty were trial counsel and the primary lawyers on the merits
16 appeal until the Ninth Circuit issued its first decision reversing the judgment. Mr. Schwartz initially
17 represented the plaintiffs on the appeal of the fee award, and provided editing and consulting support
18 on the first phase of the merits appeal. After the Ninth Circuit reversed the judgment in this case, Mr.
19 Schwartz took the lead in drafting the petition for rehearing and on the subsequent merits appeal work.
20 Ms. Duvernay is an associate at Mr. Schwartz's office and she worked on both the appeal and the
21 supplemental fee petition. The lawyers' declarations describe their professional experience and their
22 work on this case, and they have submitted summaries of the time they spent on this case, as well as a
23 listing of expenses incurred. In support of the hourly rates sought, plaintiffs have also submitted the
24 declaration of Steven Mayer, a director of the firm of Howard, Rice, Nemerovski, Canady, Falk &
25 Rabin, evidence regarding hourly rates charged by Bay Area lawyers, and recent court decisions
26 awarding Bay Area lawyers fees.

27 Under 42 U.S.C. § 1988(b), the Court has discretion to award plaintiffs their reasonable
28 attorneys' fees and expenses. Reasonable attorneys' fees are determined by the "lodestar method,"

1 which is obtained by multiplying the number of hours reasonably expended on litigation by a reasonable
2 hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424 (1983). In determining the appropriate number of hours
3 to be included in a lodestar calculation, the Court should exclude hours "that are excessive, redundant,
4 or otherwise unnecessary." *Id.* at 434. "The party seeking the award should provide documentary
5 evidence to the court concerning the number of hours spent, and how it determined the hourly rate(s)
6 requested." *McCown v. City of Fontana*, 565 F.3d 1097, 1102 (9th Cir. 2009).

7
8 **I. Level of success/consideration of settlement negotiations**

9 In opposition to the supplemental fee petition, defendant argues that the previous fee award
10 should be reduced because plaintiffs' level of success at trial "never came close to exceeding any of their
11 pretrial demands or the settlement negotiations." Docket No. 181 at 4:6-7. Defendant relies on the
12 declaration of Tom Blake, who represented defendant throughout the pretrial proceedings and at trial.
13 Mr. Blake describes the parties' negotiations and settlement demands made by plaintiffs, and states that
14 the parties discussed settlement in the range of \$100,000 to \$300,000, and that Mr. Scott "indicated an
15 interest" in a settlement of \$75,000 per plaintiff and \$100,000 in attorneys' fees. Blake Decl. ¶¶ 5-6.
16 It is undisputed that defendant never made plaintiffs a settlement offer. However, defendant argues that
17 plaintiffs never agreed to a "potential settlement" that was more than double the amount that each
18 plaintiff received at trial, and thus their lodestar should be reduced to reflect their limited monetary
19 success.

20 Plaintiffs respond that the Court should exercise its discretion and give no weight to amounts
21 discussed in the settlement negotiations for two reasons. First, plaintiffs argue that this Court has
22 already determined that plaintiffs achieved significant nonmonetary success vindicating their
23 constitutional rights and serving the public purpose of deterring the unlawful use of deadly force, and
24 they cite numerous cases for the proposition that the lodestar should not be reduced when civil rights
25 plaintiffs achieve modest monetary success but significant nonmonetary success. Second, plaintiffs
26 argue that the Court should not reduce the lodestar on account of the parties' settlement negotiations
27 because defendant never made a settlement offer. Plaintiffs note that the Ninth Circuit's instructions
28 on remand were explicit: "We reverse and remand the fee award so that the district court may consider

1 the amounts of Markgraf's *settlement offers* in determining a reasonable fee." *A.D.*, 712 F.3d at 460
2 (emphasis added). Plaintiffs argue that defendant cannot now claim that this case could have settled for
3 an amount that he never offered, and they argue that the cases cited in the Ninth Circuit's decision and
4 relied on by defendant are all distinguishable because they involved plaintiffs who rejected settlement
5 offers. *See Lohman v. Duryea Borough*, 574 F.3d 163, 169 (3d Cir. 2009) (plaintiff rejected three
6 settlement offers, one of which was six times the amount ultimately awarded by the jury); *see also In*
7 *re Kekaoha-Alisa*, 674 F.3d at 1094 ("Therefore, the bankruptcy court may consider evidence of a
8 settlement offer to the degree such evidence is relevant to the calculation of reasonable attorneys' fees
9 under Hawaii law."); *Ingram*, 647 F.3d at 927 (plaintiff rejected \$30,000 settlement offer, leading to
10 further litigation, and ultimately settled for \$30,000).

11 The Court exercises its discretion and concludes that amounts discussed in the parties' settlement
12 negotiations do not bear on an evaluation of plaintiffs' success in this case. *See Lohman*, 574 F.3d at
13 169 (acknowledging that settlement offers are "clearly only one factor to be considered in the award of
14 fees," and that the district court "is also free to reject such evidence as not bearing on success"). As the
15 Court found in its original fee order, plaintiffs fully prevailed on their constitutional claims at trial and
16 the verdict serves the important public purpose of deterrence. "Success is measured not only by the
17 amount of the recovery but also in terms of the significance of the legal issue on which the plaintiff
18 prevailed and the public purpose the litigation served." *Morales v. City of San Rafael*, 96 F.3d 357, 365
19 (9th Cir. 1996). The Ninth Circuit has expressed "difficulty imagining a more important issue than the
20 legality of state-sanctioned force resulting in death. It is obviously of supreme importance to anyone
21 who might be subject to such force. But it is also of great importance to a law enforcement officer who
22 is placed in a situation where deadly force may be appropriate." *Mahach-Watkins v. Depee*, 593 F.3d
23 1054, 1062 (9th Cir. 2010) (affirming attorneys' fee award in wrongful death case where the jury found
24 in favor of the plaintiff but awarded only nominal damages). Because this case was about much more
25 than money damages, the Court finds that the parties' settlement negotiations are not probative of
26 evaluating plaintiffs' success at trial.

27 Further, to the extent that the Court assesses success by looking at plaintiffs' monetary recovery,
28 the parties' settlement negotiations are not helpful because defendant did not actually make a settlement

1 offer, and thus defendant's assertion that this case could have settled for \$75,000 per plaintiff is entirely
2 speculative.

3 Accordingly, the Court reaffirms the previous pre-appeal fee award in its entirety. Interest is
4 awarded on the original award of merits fees and expenses from May 8, 2009, the date of the judgment,
5 and on the fees for the fee petition from November 10, 2009, when the order awarding fees was filed.
6

7 **II. Merits Appeal**

8 Plaintiffs seek \$288,080.00 for time spent on the merits appeal. Defendant objects to counsel's
9 requested hourly rates, and contends that some of the time spent was unnecessary and duplicative.
10

11 **A. Hourly rates**

12 A court awarding attorney fees must look to the prevailing market rates in the relevant
13 community. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984); *Bell v. Clackamas County*, 341 F.3d 858,
14 860 (9th Cir. 2003). Plaintiffs seek to be compensated at their 2013 hourly rates for the time spent on
15 the merits appeal beginning in 2010. Plaintiffs seek \$725 per hour for Mr. Greerty, Mr. Scott and Mr.
16 Schwartz, and \$425 per hour for Ms. Duvernay. In 2009, the Court awarded \$600 per hour for each of
17 the senior attorneys, and \$300 per hour for Ms. Duvernay.¹ Mr. Greerty has 34 years experience
18 practicing law, Mr. Scott has 37 years experience, Mr. Schwartz has over 40 years experience, and Ms.
19 Duvernay has 9 years of experience.

20 Defendant contends that it is unreasonable to award 2013 rates for work largely performed in
21 2010 and 2011. However, the Supreme Court has held that an enhancement for delay in payment, where
22 appropriate, is part of calculating a "reasonable" fee under Section 1988:

23 Clearly, compensation received several years after the services were rendered – as it
24 frequently is in complex civil rights litigation – is not equivalent to the same dollar
25 amount received reasonably promptly as the legal services are performed, as would
26 normally be the case with private billings. We agree, therefore, that an appropriate
adjustment for delay in payment – whether by the application of current rather than
historic hourly rates or otherwise – is within the contemplation of the statute.

27
28 ¹ By reaffirming the previous fee award, the Court awards fees for that portion of counsel's work
at the 2009 rates.

1 *Missouri v. Jenkins*, 491 U.S. 274, 283-84 (1989); *see also Bell*, 341 F.3d at 868 (citing *Jenkins* and
2 holding that “[t]he court may also award rates at an attorney’s current rate where appropriate to
3 compensate for the lengthy delay in receiving payment”). Here, the Court finds it appropriate to award
4 2013 rates for the merits appeal work because of the substantial delay in payment.

5 Defendant also contends that the 2013 rates sought are unreasonable because those rates are
6 twenty and forty percent above the 2009 rates. Defendant cites the Laffey Matrix, the formulaic
7 attorneys’ fees schedule used in the District of Columbia, to argue that “reasonable rate increases do not
8 exceed ten to fifteen percent over a period of four years.” Docket No. 181 at 9:10-12. However, the
9 Ninth Circuit has questioned the relevance of the Laffey Matrix to determining a reasonable rate in the
10 Bay Area. *See Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 454 (9th Cir. 2010) (“But just
11 because the Laffey matrix has been accepted in the District of Columbia does not mean that it is a sound
12 basis for determining rates elsewhere, let alone in a legal market 3,000 miles away. It is questionable
13 whether the matrix is a reliable measure of rates even in Alexandria, Virginia, just across the river from
14 the nation’s capital.”).

15 In any event, the question is not whether the percentage increase from 2009 to 2013 is too great,
16 but rather whether the 2013 rates sought are reasonable and within the prevailing market rates. Plaintiffs
17 have shown that those rates are reasonable for attorneys with similar or less experience than plaintiffs’
18 counsel. *See* Supp. Mayer Decl. ¶¶ 2-6 (1974 law school graduate practicing at Arnold & Porter, LLP
19 in San Francisco charges \$910 per hour; current hourly rates for attorneys who graduated between 1972
20 and 1978 range between \$800-\$875; standard rate for 2004 graduate is \$625 per hour); Supp. Req. for
21 Judicial Notice, Ex. 4 (exhibit to declaration filed in *Apple Inc. v. Samsung Elec. Co.*, Case No. 11-cv-
22 01846-LHK (PSG), showing that “average partner rate” at Quinn Emanuel Urquhart & Sullivan, LLP
23 is \$821 per hour and “average associate rate” is \$448 per hour). The requested rates are also in line with
24 those awarded in recent fee awards, and indeed some of those fee awards show that the rates sought are
25 comparable to market rates approved for work performed in 2010 and 2011, and earlier. *See Recouvreur*
26 *v. Carreon*, 940 F. Supp. 2d 1063, 1070 (N.D. Cal. 2013) (approving \$700 hourly rate for public interest
27 lawyer with 20 years of experience); *Armstrong v. Brown*, 805 F. Supp. 2d 918, 921 (N.D. Cal. 2011)
28 (approving 2010 rates of \$700 per hour for 1978 and 1980 law graduates and between \$325-\$480 for

1 attorneys graduating between 2003-2008); *Campbell v. Nat'l Passenger R.R. Corp.*, 718 F. Supp. 2d
2 1093, 1099-1100 (N.D. Cal. 2010) (finding reasonable \$700 hourly rate for civil rights attorney
3 practicing since 1982); *see also Prison Legal News*, 608 F.3d 455 (holding district court did not abuse
4 its discretion in awarding 2008 hourly rates of \$875 for a partner, \$700 for an attorney with 23 years of
5 experience, and \$425 for a 2003 law graduate).

6
7 **B. "Unnecessary or redundant" time**

8 Next, defendant challenges as unnecessary or redundant the following time spent on the merits
9 appeal: (1) time spent by Scott, Greerty and Schwartz reviewing the excerpts of record; (2) time spent
10 by Schwartz and Greerty editing the original answering brief written by Scott; and (3) time spent by
11 Scott and Greerty preparing for the original appellate argument and by Schwartz preparing for the
12 supplemental oral argument. Defendant argues that some of this "redundant" time was expended as a
13 result of the switch from Scott to Schwartz as the lead counsel handling the merits appeal (such as the
14 time spent reviewing the excerpts of record), and other time is simply excessive and unnecessary (such
15 as the time spent editing and preparing for oral argument).

16 "Participation of more than one attorney does not necessarily amount to unnecessary duplication
17 of effort." *Democratic Party of Washington State v. Reed*, 388 F.3d 1281, 1286 (9th Cir. 2004). As the
18 Ninth Circuit has instructed,

19 The court may reduce the number of hours awarded because the lawyer
20 performed unnecessarily duplicative work, but determining whether work is
21 unnecessarily duplicative is no easy task. When a case goes on for many years, a lot of
22 legal work product will grow stale; a competent lawyer won't rely entirely on last year's,
23 or even last month's, research: Cases are decided; statutes are enacted; regulations are
24 promulgated and amended. A lawyer also needs to get up to speed with the research
25 previously performed. All this is duplication, of course, but it's necessary duplication;
26 it is inherent in the process of litigating over time. Here, there was a previous appeal (of
27 the district court's grant of summary judgment) which would have added to the delay
28 and rendered much of the research stale. One certainly expects some degree of
duplication as an inherent part of the process. There is no reason why the lawyer should
perform this necessary work for free.

It must also be kept in mind that lawyers are not likely to spend unnecessary time
on contingency fee cases in the hope of inflating their fees. The payoff is too uncertain,
as to both the result and the amount of the fee. It would therefore be the highly atypical
civil rights case where plaintiff's lawyer engages in churning. By and large, the court
should defer to the winning lawyer's professional judgment as to how much time he was
required to spend on the case; after all, he won, and might not have, had he been more

1 of a slacker.

2 *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008).

3 The issues in this case were difficult and complex, and litigation of the appeal was especially
4 complicated. The decision to change lead counsel after the initial loss on appeal was a strategic choice
5 that brought a fresh perspective to the issues raised on rehearing and in the supplemental briefing. After
6 the Ninth Circuit's initial 3-0 decision reversing the judgment, plaintiffs faced the formidable task of
7 persuading the Ninth Circuit to reconsider its decision. That plaintiffs were successful in doing so,
8 resulting in a 3-0 published decision affirming the judgment, validates plaintiffs' counsel's decisions
9 about how to staff and litigate the appeal. The Court also notes that Schwartz and Duvernay do not seek
10 to be compensated for all of the time they spent on the merits appeal. *See* Second Supp. Schwarz Decl.
11 ¶¶17-18. Defendant has not shown that any of the work performed was unnecessary, and considering
12 the complexity of this case it is reasonable that plaintiffs' counsel would need to ensure that they were
13 familiar with the district court record, review and edit pleadings prepared by others, and prepare
14 assiduously for important oral arguments. The Court is satisfied that the fees requested are reasonable
15 and justified by the results obtained, and finds it inappropriate and unnecessary to speculate about
16 whether different staffing decisions would have led to the same results at a lower cost.

17 Accordingly, the Court grants plaintiffs' request for fees for the merits appeal, and interest is
18 awarded on the merits appeal fees from May 24, 2013, the date the mandate of the Court of Appeals was
19 filed in this Court. Docket No. 169.

20
21 **III. Supplemental fee petition**

22 Plaintiffs seek \$57,428.90 in fees and expenses incurred in litigating the supplemental fee
23 petition. Defendant generally objects that the amount of time spent on the supplemental fee petition
24 "appears distorted" because counsel spent at as much time on the supplemental fee petition as Scott and
25 Greerty spent on the merits appeal. Defendant does not identify any specific time that he contends was
26 unnecessary or unreasonable.

27 As an initial matter, the Court notes that the vast majority of the time spent on the supplemental
28 fee petition was performed by Ms. Duvernay, the attorney with the lowest hourly rate. The Court also

1 finds that simply comparing the time spent on the fee motion and time spent on one part of the merits
2 appeal does not establish that the time spent on the supplemental fee motion was excessive. *See Golden*
3 *Gate Audubon Soc., Inc. v. U.S. Army Corps of Engineers*, 732 F. Supp. 1014, 1022 (N.D. Cal. 1989)
4 (rejecting as unpersuasive “summary opposition” that fees on fees were excessive based solely on
5 comparison to merits time because “[r]igid comparisons with the amount of fees for the merits shed little
6 light” on determining “what is a reasonable number of hours in light of the issues and tasks involved.”).
7 The Court finds that the time spent litigating the supplemental fee petition was reasonable because
8 plaintiffs have the burden of supporting the rates sought and time spent, and they were required to
9 review pertinent legal authority, obtain declarations, gather and present time records, research current
10 hourly rates for Bay Area attorneys, and prepare the motion papers. The Court finds it noteworthy that
11 defendant did not identify any particular time spent as excessive or unnecessary, instead relying on a
12 blanket objection. Further, due to defendant’s tenacious litigation of the fee issue, plaintiffs’ counsel
13 was required “to expend significantly more time on fee issues than would have otherwise been
14 required.” *Id.*

15
16 **IV. Other fees and expenses**

17 Plaintiffs seek post-appeal merits work of \$580.00, and fees related to defendant’s petition for
18 certiorari to the United States Supreme Court in the amount of \$3,012.50. Defendant does not object
19 to these amounts, and the Court finds that these fees are reasonable and recoverable.

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28 ///

CONCLUSION

For the foregoing reasons, the Court GRANTS plaintiffs' motion for attorneys' fees and expenses as follows: (1) the original fee award pre-appeal of \$559,861.45 (merits fees of \$489,631.00; merits expenses of \$6,402.59; fees for original fee petition of \$63,490.00; and fees expenses of \$337.86); (2) merits appeal fees in the amount of \$288,080.00; (3) fees and expenses for the supplemental fee petition in the amount of \$57,428.90; (4) post-appeal merits work of \$580.00; and (5) fees related to defendant's petition for certiorari to the United States Supreme Court in the amount of \$3,012.50.

IT IS SO ORDERED.

Dated: November 27, 2013


SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

EXHIBIT 2

DECLARATION OF ALLEN LICHTENSTEIN

001608

1 Allen Lichtenstein (NV State Bar No. 3992)
 2 ALLEN LICHTENSTEIN, LTD.
 3 3315 Russell Road, No. 222
 4 Las Vegas, NV 89120
 5 Tel: 702.433-2666
 6 Fax: 702.433-9591
 7 allaw@lvcoxmail.com

8 John Houston Scott (CA Bar No. 72578)
 9 Admitted Pro Hac Vice
 10 SCOTT LAW FIRM
 11 1388 Sutter Street, Suite 715
 12 San Francisco, CA 94109
 13 Tel: 415.561-9601
 14 john@scottlawfirm.net

15 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
 16 *Aimee Hairr and Nolan Hairr*

17 DISTRICT COURT
 18 CLARK COUNTY, NEVADA

19 MARY BRYAN, mother of ETHAN BRYAN;
 20 AIMEE HAIRR, mother of NOLAN HAIRR,

21 Plaintiffs,

22 vs.

23 CLARK COUNTY SCHOOL DISTRICT
 24 (CCSD)

25 Defendant .

Case No. A-14-700018-C

Dept. No. XXVII

**DECLARATION OF ALLEN
 LICHTENSTEIN**

Department: XXVII

Trial Dates: Day1, 11/15/16; Day 2,
 11/16/16; Day 3, 11/17/16; Day 4, 11/18/16;
 Day 5, 11/22/16

26 Allen Lichtenstein, declares under perjury pursuant to the laws of Nevada as follows:

27 1. I am an attorney licensed to practice law in the State of Nevada.

28 2. I have personal knowledge of the matters set forth herein, except for those matters
 known on information and belief, and for those matters, I believe them to be true.

3. I am competent to testify to the same; and, I make this Declaration in support of the
 foregoing Motion for Attorney Fees and Cost of which this Declaration is made a part.

4. I worked with co-counsel in the preparation of the foregoing Motion

1 for Attorney Fees and Costs; and all the facts set forth therein are true and correct to the best of
2 my knowledge, information and belief.

3 5. I have been practicing law for 27 years. I was admitted to practice in Nevada in
4 1990, and my Bar Number is 3992. I am also licensed to practice law in California.

5 6. After being admitted to practice. I have maintained a practice of law with an
6 emphasis on constitutional law and civil rights matters.

7 7. I was also General Counsel for the ACLU of Nevada for 17 years, starting in 1997.

8 8. I have practiced in federal and state courts in Nevada and California, including:
9 Federal District Courts, Nevada State District Courts, Justice Courts and Municipal Courts.

10 9. I have also argued before the Nevada Supreme Court, the Ninth Circuit Court of
11 Appeals, and the United State Supreme Court.

12 10. I was retained by Plaintiffs since the onset of this case: first as General Counsel for
13 the ACLU of Nevada, then as a private attorney

14 11. From the beginning of the case until July 31, 2014, while the ACLUN was
15 representing Plaintiffs, I was in charge of the case in my capacity as General Counsel.

16 12. For the time the ACLUN was representing Plaintiffs the attorney hours and rates
17 were as follows: (See Attachment 3)

	rate per hr.	hrs expended	total
Fees for the ACLUN	var	70.45	\$ 19,356.25
Lichtenstein	\$600	9.6	\$5,670.00
Pratt	\$450	8.6	\$3,870.00
Morgan	\$225	31.95	\$7,188.75
Interns	\$125	20.3	\$2,537.50

13. After July 31, 2014, I represented Plaintiffs as a private attorney. I worked 690.77 hours as a private attorney on the case at a rate of \$600 per hour, totaling \$414,460.00. From July 31, 2014, Staci Pratt worked 20.8 hours on the case at a rate of \$450 per hour, totaling \$10,980.00.

14. Ms. Pratt left the case and changed her Nevada Bar membership to inactive status in early December 2014.

15. Attached hereto as Attachment 1 is a true and correct copy of the billing on this case by Allen Lichtenstein, as a private attorney from July 31, 2014 to present. Attachment 2 is a true and correct of copy of the billing by Staci Pratt for work done as a private attorney on this case from. Attachment 3 is a true and correct copy of the billing for this case by the ACLUN. Attachment 4 states the adjusted cost along with supporting documentation.

16. On July 7, 2015, John H. Scott entered the case as co-counsel, pro hac vice.

17. From the time Mr. Scott entered the case, I was the primary person involved with motion work, briefing and legal analysis. Mr. Scott, however, was also involved in briefing, particularly with Opposition to Defendants' Motion for Summary Judgment. We both were involved with discovery and trial preparation.

18. At trial, Mr. Scott did all of the witness examination. I took the role of second chair. I was primarily responsible for the closing statement briefs.

19. The services rendered as reflected on Exhibit 2 were reasonable and necessary to provide legal representation for Plaintiffs.

20. The total fees and costs accrued in this case are as follows:

	rate per hr.	hrs expended	total
Fees for John H. Scott:	\$650	383.50	\$249,275.00
Fees for Allen Lichtenstein: (as a private attorney)	\$600	690.77	\$414,460.00

1	Staci Pratt	\$450	20.80	\$ 10,980.00
2	(as a private attorney)			
3				
4	Fees for the ACLUN	var	70.45	\$ 19,356.25
5	Lichtenstein	\$600	9.6	\$5,670.00
6	Pratt	\$450	8.6	\$3,870.00
7	Morgan	\$225	31.95	\$7,188.75
8	Interns	\$125	20.3	\$2,537.50
9				
10	Total fees			\$694,071.25
11	Costs:			\$ 22,619.81
12	Total			\$716,691.06

13 I affirm that the foregoing is true and correct, and this Declaration is executed under
 14 penalty of perjury this 9th day of August, 2017 in Las Vegas, Nevada.

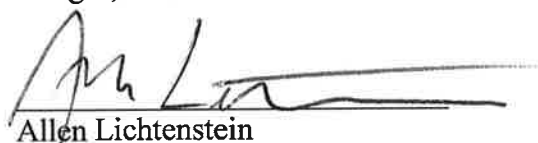
15 
 16 Allen Lichtenstein

EXHIBIT 2

ATTACHMENT 1

**ALLEN LICHTENSTEIN HOURS AS A PRIVATE
ATTORNEY**

001613

8/8/2017
4:11 PMAllen Lichtenstein
Slip Listing

Page 1

Selection Criteria

Slip.Date 7/31/2014 - Latest
 Slip.Classification Open
 Clie.Selection Include: Bryan and Hairr

Rate Info - identifies rate source and level

Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
2798	TIME	Allen	0.60	600.00	360.00
7/31/2014		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Substitution of Plaintiffs' Attorneys			0.00		
2799	TIME	Allen	0.10	600.00	60.00
8/1/2014		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Stipulation to Continue hearing			0.00		
2280	TIME	Allen	1.30	600.00	780.00
8/9/2014		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply to Plaintiffs'			0.00		
Response to Defendants' Motion to Dismiss					
Plaintiffs' Complaint					
2281	TIME	Allen	0.30	600.00	180.00
8/12/2014		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with NERC attorney			0.00		
2282	TIME	Allen	0.20	600.00	120.00
8/15/2014		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review of Alicia Lerod email			0.00		
2283	TIME	Allen	5.90	600.00	3540.00
8/20/2014		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for oral argument			0.00		
2284	TIME	Allen	3.10	600.00	1860.00
8/21/2014		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Hearing on motion to dismiss			0.00		
2285	TIME	Allen	1.10	600.00	660.00
8/23/2014		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review transcript of hearing on Motion to Dismiss			0.00		

8/8/2017
4:11 PMAllen Lichtenstein
Slip Listing

Page 2

Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity	Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
2286	8/25/2014	TIME	WIP Reviewed letter from Lerod	Allen	document review Bryan and Hairr	0.30 0.00 0.00 0.00	600.00 T	180.00
2800	9/4/2014	TIME	WIP Review proposed order	Allen	document review Bryan and Hairr	0.90 0.00 0.00 0.00	600.00 T	540.00
2801	9/10/2014	TIME	WIP Review Court Order on Motion to Dismiss	Allen	document review Bryan and Hairr	0.20 0.00 0.00 0.00	600.00 T	120.00
2802	10/10/2014	TIME	WIP Draft Amended Complaint	Allen	document draft Bryan and Hairr	4.30 0.00 0.00 0.00	600.00 T	2580.00
2803	10/15/2014	TIME	WIP Draft and file Plaintiffs' First Amended Complaint and Exhibits	Allen	document draft Bryan and Hairr	6.10 0.00 0.00 0.00	600.00 T	3660.00
2804	11/17/2014	TIME	WIP Draft and file Errata	Allen	document draft Bryan and Hairr	0.70 0.00 0.00 0.00	600.00 T	420.00
2805	11/18/2014	TIME	WIP Review Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint	Allen	document review Bryan and Hairr	1.20 0.00 0.00 0.00	600.00 T	720.00
2806	11/20/2014	TIME	WIP Review Notice of Hearing	Allen	document review Bryan and Hairr	0.10 0.00 0.00 0.00	600.00 T	60.00
2807	12/9/2014	TIME	WIP Stipulation and Order to Continue Hearing	Allen	document review Bryan and Hairr	0.10 0.00 0.00 0.00	600.00 T	60.00
2377	12/24/2014	TIME	12/31/2014 WIP Researched EDCR 2.24(b) and law of the case and use of case citations; draft brief	Allen	research Bryan and Hairr	7.30 0.00 0.00 0.00	600.00 T	4380.00

8/8/2017
4:11 PMAllen Lichtenstein
Slip Listing

Page 3

Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
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12/25/2014		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research qualified and discretionary immunity; draft brief			0.00		
2809	TIME	Allen	7.90	600.00	4740.00
12/26/2014		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research Monell and punitive damages; draft brief			0.00		
2810	TIME	Allen	8.40	600.00	5040.00
12/27/2014		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research Title IX, negligence, deliberate indifference; draft brief			0.00		
2812	TIME	Allen	7.70	600.00	4620.00
12/29/2014		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft brief			0.00		
2813	TIME	Allen	9.20	600.00	5520.00
12/30/2014		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft and edit brief			0.00		
2814	TIME	Allen	10.20	600.00	6120.00
12/31/2014		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Finalized and filed Plaintiffs' Response to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint			0.00		
2815	TIME	Allen	1.40	600.00	840.00
1/15/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply to Plaintiffs' Motion to Dismiss Plaintiffs' Amended Complaint			0.00		
2816	TIME	Allen	0.10	600.00	60.00
1/27/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Stipulation to Continue Hearing			0.00		
2817	TIME	Allen	2.30	600.00	1380.00
1/28/2015		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Hearing			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2818	TIME	Allen	1.70	600.00	1020.00
1/29/2015		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Hearing on Defendants' Motion to Dismiss			0.00		
Amended Complaint					
2819	TIME	Allen	0.20	600.00	120.00
2/10/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Court's Order on Defendants' Motion to Dismiss			0.00		
2820	TIME	Allen	0.90	600.00	540.00
2/25/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Answer			0.00		
2385	TIME	Allen	1.20	600.00	720.00
3/16/2015		meeting	0.00	T	
WIP		Bryan and Hairr	0.00		
Meeting with clients			0.00		
2384	TIME	Allen	0.50	600.00	300.00
3/16/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: possible association			0.00		
2387	TIME	Allen	1.20	600.00	720.00
3/19/2015		legal services	0.00	T	
WIP		Bryan and Hairr	0.00		
16.1 conference			0.00		
2947	TIME	Allen	0.30	600.00	180.00
4/9/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: potential fee agreement			0.00		
2951	TIME	Allen	0.20	600.00	120.00
4/15/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email to John Scott Re: fee agreement			0.00		
2821	TIME	Allen	1.20	600.00	720.00
4/20/2015		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Request for Exemption from Arbitration			0.00		
2948	TIME	Allen	0.80	600.00	480.00
4/20/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
Telephone conference with John Scott Re: background and history of case			0.00		
2822	TIME	Allen	0.10	600.00	60.00
5/21/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Commissioner's Decision on Request for Exemption from Arbitration			0.00		
2949	TIME	Allen	0.30	600.00	180.00
5/27/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2823	TIME	Allen	0.80	600.00	480.00
6/4/2015		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft and file Motion on Plaintiffs' Request to Associate Counsel			0.00		
2950	TIME	Allen	0.50	600.00	300.00
6/18/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: initial disclosures			0.00		
2444	TIME	Allen	8.10	600.00	4860.00
6/18/2015		legal services	0.00	T	
WIP		Bryan and Hairr	0.00		
Initial Disclosures			0.00		
2952	TIME	Allen	0.20	600.00	120.00
7/14/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email from John Scott Re: scheduling of depositions			0.00		
2953	TIME	Allen	0.20	600.00	120.00
7/20/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email from John Scott Re: scheduling of depositions			0.00		
2824	TIME	Allen	2.10	600.00	1260.00
7/21/2015		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Early Case Conference			0.00		

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
2825	TIME	Allen	0.90	600.00	540.00
7/22/2015		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Early Case Conference			0.00		
2826	TIME	Allen	1.00	600.00	600.00
7/27/2015		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Joint Case Conference Report			0.00		
2954	TIME	Allen	0.40	600.00	240.00
8/13/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2955	TIME	Allen	0.20	600.00	120.00
8/17/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2827	TIME	Allen	1.20	600.00	720.00
8/31/2015		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Scheduling Order			0.00		
2828	TIME	Allen	0.10	600.00	60.00
9/25/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Order setting bench trial and calendar call			0.00		
2956	TIME	Allen	0.20	600.00	120.00
9/28/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email Re: deposition schedule			0.00		
2957	TIME	Allen	0.20	600.00	120.00
10/1/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email Re: deposition schedule			0.00		
2958	TIME	Allen	0.20	600.00	120.00
10/2/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email Re: deposition schedule			0.00		
2959	TIME	Allen	0.80	600.00	480.00
10/14/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: discovery and depositions			0.00		

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Slip ID	Dates and Time	Timekeeper Activity	Units DNB Time	Rate Rate Info	Slip Value
Posting Status	Description	Client Reference	Est. Time Variance	Bill Status	
2960	TIME	Allen	0.50	600.00	300.00
	10/16/2015	phone	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Telephone conference with John Scott		0.00		
2961	TIME	Allen	0.50	600.00	300.00
	10/20/2015	phone	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Telephone conference with John Scott Re: statutes and regulations		0.00		
2937	TIME	Allen	2.50	600.00	1500.00
	10/22/2015	document review	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Review Defendants' Discovery Requests		0.00		
2962	TIME	Allen	0.40	600.00	240.00
	10/23/2015	phone	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Telephone conference with John Scott Re: school district and parallel litigation		0.00		
2963	TIME	Allen	1.50	600.00	900.00
	10/25/2015	Court Preparation	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Obtain information and timelines from clients		0.00		
2964	TIME	Allen	0.20	600.00	120.00
	10/28/2015	Email	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Email Re: confirm depositions		0.00		
2965	TIME	Allen	0.80	600.00	480.00
	10/29/2015	Email	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Email to John Scott; telephone conference with John Scott		0.00		
2559	TIME	Allen	4.50	600.00	2700.00
	10/29/2015	Deposition	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Preparation for Winn and McKay depositions		0.00		
2966	TIME	Allen	0.30	600.00	180.00
	10/30/2015	Email	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Emails with John Scott		0.00		
2563	TIME	Allen	6.05	600.00	3630.00
	11/1/2015	Deposition	0.00	T	
	WIP	Bryan and Hairr	0.00		
	Preparation for deposition; telephone conference		0.00		

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
	with clients; meeting with John Scott				
2564	TIME	Allen	10.50	600.00	6300.00
11/2/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for McKay deposition; McKay deposition; confer with John Scott			0.00		
2566	TIME	Allen	7.90	600.00	4740.00
11/3/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Winn Deposition; confer with John Scott			0.00		
2829	TIME	Allen	5.20	600.00	3120.00
11/4/2015		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Prepared Aimee Hairr Discovery Response			0.00		
2967	TIME	Allen	0.30	600.00	180.00
11/4/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2968	TIME	Allen	0.40	600.00	240.00
11/5/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails Re: settlement potential and strategy			0.00		
2969	TIME	Allen	0.30	600.00	180.00
11/6/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2970	TIME	Allen	0.30	600.00	180.00
11/9/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: discovery responses			0.00		
2971	TIME	Allen	0.40	600.00	240.00
11/10/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2832	TIME	Allen	4.20	600.00	2520.00
11/11/2015		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Prepared Mary Bryan written discovery response			0.00		
2972	TIME	Allen	2.50	600.00	1500.00
11/11/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
Multiple emails and telephone conference with John Scott Re: discovery responses			0.00		
2938	TIME	Allen	1.20	600.00	720.00
11/12/2015		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Plaintiffs' Request for Documents			0.00		
2973	TIME	Allen	0.50	600.00	300.00
11/12/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference and email with John Scott Re: scheduling depositions and strategy			0.00		
2974	TIME	Allen	0.30	600.00	180.00
11/13/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference and email with John Scott Re: protective order Re: medical records			0.00		
2830	TIME	Allen	2.10	600.00	1260.00
11/15/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Wright deposition			0.00		
2975	TIME	Allen	0.80	600.00	480.00
11/15/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email from John Scott			0.00		
2976	TIME	Allen	0.50	600.00	300.00
11/16/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2831	TIME	Allen	1.20	600.00	720.00
11/16/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Deanna Wright deposition			0.00		
2977	TIME	Allen	0.20	600.00	120.00
11/19/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email from John Scott Re: Ethan's and Nolan's depositions			0.00		
2978	TIME	Allen	0.20	600.00	120.00
11/24/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2979	TIME	Allen	0.20	600.00	120.00
12/1/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2980	TIME	Allen	0.30	600.00	180.00
12/2/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email and telephone conference with John Scott			0.00		
Re: Scheduling depositions					
2981	TIME	Allen	0.50	600.00	300.00
12/4/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2982	TIME	Allen	0.20	600.00	120.00
12/9/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails with John Scott Re: discovery issues			0.00		
2983	TIME	Allen	0.20	600.00	120.00
12/11/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2833	TIME	Allen	0.30	600.00	180.00
12/14/2015		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Stipulated Protective Order			0.00		
2984	TIME	Allen	0.20	600.00	120.00
12/15/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott Re: depositions of treating doctors and plaintiffs			0.00		
2985	TIME	Allen	0.30	600.00	180.00
12/20/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2834	TIME	Allen	4.70	600.00	2820.00
12/21/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Nolan Hairr deposition			0.00		
2835	TIME	Allen	7.82	600.00	4690.00
12/22/2015		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Nolan Hairr deposition			0.00		

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Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2986	TIME	Allen	0.20	600.00	120.00
12/22/2015		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2987	TIME	Allen	0.50	600.00	300.00
12/24/2015		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email and telephone conference with John Scott			0.00		
Re: damage calculation dispute					
2836	TIME	Allen	0.90	600.00	540.00
1/4/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for CL deposition			0.00		
2988	TIME	Allen	0.20	600.00	120.00
1/4/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2839	TIME	Allen	2.30	600.00	1380.00
1/5/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
CL deposition			0.00		
2838	TIME	Allen	0.30	600.00	180.00
1/5/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2837	TIME	Allen	0.50	600.00	300.00
1/5/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Stipulation and Order to permit Defendants to			0.00		
extend time for Defendants to make initial expert					
disclosures; Review Defendants' Motion to					
Compel Rule 35 Exam					
2989	TIME	Allen	0.50	600.00	300.00
1/6/2016		Consultation	0.00	T	
WIP		Bryan and Hairr	0.00		
Consult with John Scott Re: discovery dispute			0.00		
Re: medical records					
2840	TIME	Allen	2.90	600.00	1740.00
1/7/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Aimee Hairr deposition			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2990	TIME	Allen	0.30	600.00	180.00
1/8/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: discovery matters			0.00		
2841	TIME	Allen	6.70	600.00	4020.00
1/8/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Aimee Hairr deposition			0.00		
2991	TIME	Allen	0.60	600.00	360.00
1/11/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Multiple emails with John Scott Re: depositions, discovery issues, and motion to compel			0.00		
2599	TIME	Allen	1.10	600.00	660.00
1/11/2016		meeting	0.00	T	
WIP		Bryan and Hairr	0.00		
Meeting with Mary Bryan Re: written discovery			0.00		
2598	TIME	Allen	0.30	600.00	180.00
1/11/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Reviewed Motion to Compel damages categories and calculations from Plaintiff Aimee Hairr			0.00		
2939	TIME	Allen	2.10	600.00	1260.00
1/11/2016		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Bryan Amended Responses			0.00		
2842	TIME	Allen	0.50	600.00	300.00
1/12/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for DM deposition			0.00		
2992	TIME	Allen	0.30	600.00	180.00
1/13/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott Re: motion to compel damage calculation			0.00		
2600	TIME	Allen	2.00	600.00	1200.00
1/13/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
DM deposition			0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
2622	Allen	0.30	600.00	180.00
1/14/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference with therapist Gina Abbeduto.		0.00		
2993	Allen	0.50	600.00	300.00
1/14/2016	Email	0.00	T	
WIP	Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: discovery issues		0.00		
2843	Allen	4.50	600.00	2700.00
1/18/2016	research	0.00	T	
WIP	Bryan and Hairr	0.00		
Research Rule 35 examination issue		0.00		
2994	Allen	0.60	600.00	360.00
1/19/2016	Email	0.00	T	
WIP	Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: discovery issues and upcoming depositions		0.00		
2844	Allen	3.40	600.00	2040.00
1/19/2016	document draft	0.00	T	
WIP	Bryan and Hairr	0.00		
Draft Plaintiffs' Response to Defendants' Motion to Compel Rule 35 Exam		0.00		
2845	Allen	4.50	600.00	2700.00
1/20/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Preparation for Ethan Bryan deposition		0.00		
2995	Allen	0.20	600.00	120.00
1/21/2016	Email	0.00	T	
WIP	Bryan and Hairr	0.00		
Emails Re: scheduling of depositons		0.00		
2847	Allen	0.10	600.00	60.00
1/21/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Order Shortening Time Re: Defendants' Motion to Compel Rule 35		0.00		
2846	Allen	7.60	600.00	4560.00
1/21/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Ethan Bryan deposition		0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
2996	Allen	0.40	600.00	240.00
1/22/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference and emails with John Scott Re: upcoming depositions		0.00		
2848	Allen	0.10	600.00	60.00
1/22/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Stipulation to extend date for hearing on Rule 35 Motion		0.00		
2997	Allen	3.50	600.00	2100.00
1/24/2016	meeting	0.00	T	
WIP	Bryan and Hairr	0.00		
Meeting with John Scott and clients; preparation for depositions		0.00		
2998	Allen	1.80	600.00	1080.00
1/25/2016	meeting	0.00	T	
WIP	Bryan and Hairr	0.00		
Meeting with John Scott		0.00		
2849	Allen	0.30	600.00	180.00
1/27/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Review Defendants' Reply Re: Motion to Compel Rule 35 examinations		0.00		
2850	Allen	5.40	600.00	3240.00
1/28/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Preparation for deposition; Andre Long deposition; meeting with John Scott		0.00		
2999	Allen	0.20	600.00	120.00
1/29/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference with John Scott		0.00		
2940	Allen	1.00	600.00	600.00
1/30/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Review Defendants' 1st supplement to NRCP 16.1 (A)(1) Disclosures		0.00		
2851	Allen	6.70	600.00	4020.00
1/31/2016	research	0.00	T	
WIP	Bryan and Hairr	0.00		
Research and draft Plaintiffs' Opposition to Motion to Compel 1/11/16 Motion to Compel Damages Categories and Calculations from		0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
Plaintiff Aimee Hairr					
3000	TIME	Allen	0.60	600.00	360.00
2/1/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott			0.00		
3001	TIME	Allen	0.40	600.00	240.00
2/2/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott			0.00		
2852	TIME	Allen	3.90	600.00	2340.00
2/3/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Mary Bryan deposition; telephone conference with John Scott			0.00		
2853	TIME	Allen	0.90	600.00	540.00
2/4/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Deposition of Dr. Moore			0.00		
2854	TIME	Allen	6.30	600.00	3780.00
2/5/2016		Deposition	0.00	T	
WIP		Bryan and Hairr	0.00		
Deposition of Mary Bryan			0.00		
2856	TIME	Allen	0.80	600.00	480.00
2/8/2016		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Rule 38 Hearing			0.00		
2857	TIME	Allen	1.00	600.00	600.00
2/10/2016		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Hearing denying Defendants' Motion to compel Rule 35 Examination			0.00		
2855	TIME	Allen	2.30	600.00	1380.00
2/10/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply Re: Motion to Compel Categories and Calculations			0.00		
2858	TIME	Allen	0.10	600.00	60.00
2/11/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Order setting Civil Jury Trial, Pretrial and Calendar Call			0.00		

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Slip ID	Timekeeper	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client	Est. Time	Bill Status	
Description	Reference	Variance		
2859	Allen	0.70	600.00	420.00
2/12/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Review Motion to Compel Damages Categories and Calculations from Plaintiff Mary Bryan on Shortening Time; telephone conference with John Scott		0.00		
2941	Allen	0.80	600.00	480.00
2/13/2016	document review	0.00	T	
WIP	Bryan and Hairr	0.00		
Review Defendants' 2nd 16.1 Supplement		0.00		
2860	Allen	1.20	600.00	720.00
2/15/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Preparation for Heath Hairr and Gina Abbeduto depositions		0.00		
2861	Allen	4.80	600.00	2880.00
2/16/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Depositions of Heath Hairr and Gina Abbeduto		0.00		
2862	Allen	0.50	600.00	300.00
2/16/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference with John Scott		0.00		
2863	Allen	0.20	600.00	120.00
2/17/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference with John Scott		0.00		
2864	Allen	2.50	600.00	1500.00
2/17/2016	hearing	0.00	T	
WIP	Bryan and Hairr	0.00		
Preparation for hearing; Hearing with Discovery Commissioner Re: Defendants' Motions to Compel Damages Categories and Calculations		0.00		
2865	Allen	1.40	600.00	840.00
2/19/2016	Deposition	0.00	T	
WIP	Bryan and Hairr	0.00		
Depositions of Dr. Edmund Faro and Dr. Asheesh Dewann		0.00		
2866	Allen	0.70	600.00	420.00
2/22/2016	phone	0.00	T	
WIP	Bryan and Hairr	0.00		
Telephone conference with John Scott Re: demand letter		0.00		

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Slip ID	Dates and Time	Timekeeper	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
3002	TIME	Allen	0.20	600.00	120.00
2/24/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3003	TIME	Allen	0.40	600.00	240.00
2/25/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: demand letter			0.00		
2942	TIME	Allen	1.30	600.00	780.00
2/26/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' 3rd 16.1 Supplement; telephone conference with John Scott			0.00		
2867	TIME	Allen	3.90	600.00	2340.00
3/2/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Motion for Summary Judgment; telephone conference with John Scott			0.00		
2868	TIME	Allen	1.70	600.00	1020.00
3/7/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review "facts" in dispute Re: depositions for Defendants' Summary Judgment motion			0.00		
3004	TIME	Allen	0.60	600.00	360.00
3/8/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott			0.00		
3005	TIME	Allen	0.80	600.00	480.00
3/9/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: factual disputes			0.00		
3006	TIME	Allen	1.00	600.00	600.00
3/10/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: Motion for Summary Judgment			0.00		
3007	TIME	Allen	3.50	600.00	2100.00
3/14/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: Motion for Summary Judgment, discovery and trial date			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
3008	TIME	Allen	0.20	600.00	120.00
3/15/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3009	TIME	Allen	0.20	600.00	120.00
3/16/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3010	TIME	Allen	0.30	600.00	180.00
3/18/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2869	TIME	Allen	0.60	600.00	360.00
3/21/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Order denying Defendants' Motion to Compel a Rule 35 Examination; telephone conference with John Scott			0.00		
2870	TIME	Allen	0.20	600.00	120.00
3/23/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Stipulation and Order to continue trial and Defendants' Summary Judgment Motion			0.00		
2871	TIME	Allen	7.80	600.00	4680.00
3/24/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research Title IX and Title VII case Re: sexual discrimination perceived sexual orientation and gender stereotyping			0.00		
2872	TIME	Allen	0.10	600.00	60.00
3/25/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Order setting Civil Bench Trial			0.00		
2873	TIME	Allen	6.80	600.00	4080.00
3/27/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research loss of educational opportunity and draft Summary Judgment brief			0.00		
2874	TIME	Allen	6.50	600.00	3900.00
3/28/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research failure to comply with statutory duties and draft brief; telephone conference with John Scott			0.00		

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Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2875	TIME	Allen	6.50	600.00	3900.00
3/29/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Further research on discrimination on the basis of sex (Title IX) and deliberate indifference; telephone conference with John Scott			0.00		
2876	TIME	Allen	8.40	600.00	5040.00
3/30/2016		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft brief; emails and telephone conference with John Scott			0.00		
2877	TIME	Allen	9.20	600.00	5520.00
3/31/2016		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft, edit brief			0.00		
2878	TIME	Allen	9.30	600.00	5580.00
4/1/2016		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Finalized and filed Plaintiffs' Opposition to Defendants' Summary Judgment Motion; emails and telephone conference with John Scott			0.00		
3011	TIME	Allen	0.20	600.00	120.00
4/2/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott			0.00		
3012	TIME	Allen	0.20	600.00	120.00
4/11/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3013	TIME	Allen	0.20	600.00	120.00
4/13/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2879	TIME	Allen	2.60	600.00	1560.00
4/19/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply Re: Defendants' Summary Judgment Motion; telephone conference with John Scott			0.00		
2881	TIME	Allen	1.70	600.00	1020.00
4/20/2016		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Preparation for Hearing on Defendants' Motion for Summary Judgment			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2880	TIME	Allen	0.10	600.00	60.00
4/20/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Discovery Commissioner's Report and Recommendation			0.00		
2882	TIME	Allen	3.00	600.00	1800.00
4/21/2016		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Hearing on Defendants' Motion for Summary Judgment; telephone conference with John Scott			0.00		
2883	TIME	Allen	0.70	600.00	420.00
4/26/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review transcript on Defendants' Motion for Summary Judgment			0.00		
3014	TIME	Allen	0.50	600.00	300.00
4/28/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with and emails from John Scott			0.00		
3015	TIME	Allen	0.30	600.00	180.00
5/4/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott			0.00		
3016	TIME	Allen	0.50	600.00	300.00
5/5/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott			0.00		
3017	TIME	Allen	0.40	600.00	240.00
5/6/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott			0.00		
3018	TIME	Allen	0.40	600.00	240.00
5/9/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott			0.00		
3019	TIME	Allen	0.30	600.00	180.00
5/10/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott			0.00		
2884	TIME	Allen	1.30	600.00	780.00
5/13/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
Review Defendants' Proposed Order Re: Defendants' Motion for Summary Judgment; emails and telephone conference with John Scott			0.00		
2886	TIME	Allen	2.00	600.00	1200.00
5/17/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply to Plaintiffs' Objection			0.00		
2885	TIME	Allen	1.70	600.00	1020.00
5/17/2016		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Plaintiffs' Objection to Defendants' Proposed Order Re: Summary Judgment; telephone conference with John Scott			0.00		
3020	TIME	Allen	0.20	600.00	120.00
5/18/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2887	TIME	Allen	0.20	600.00	120.00
7/23/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Order Re: Defendants' Motion for Summary Judgment			0.00		
3021	TIME	Allen	0.30	600.00	180.00
7/25/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: order			0.00		
3022	TIME	Allen	0.20	600.00	120.00
7/26/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3023	TIME	Allen	0.20	600.00	120.00
8/5/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2888	TIME	Allen	2.50	600.00	1500.00
8/7/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Motion for Partial Reconsideration			0.00		
2889	TIME	Allen	0.10	600.00	60.00
8/11/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Defendant's Motion for Oral ARgument Re:			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
Defendants' Motion for Reconsideration					
3024	TIME	Allen	0.50	600.00	300.00
8/12/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: Motion for reconsideration			0.00		
2890	TIME	Allen	4.70	600.00	2820.00
8/15/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research Rules for: Motions for Reconsideration, NRCP 59(e), NRCP 60(b), and Motions in Limine			0.00		
2891	TIME	Allen	2.70	600.00	1620.00
8/17/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Further research on gender stereotyping and perceived sexual orientation discrimination			0.00		
2892	TIME	Allen	1.50	600.00	900.00
8/19/2016		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research on prejudice			0.00		
2893	TIME	Allen	5.20	600.00	3120.00
8/20/2016		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Brief Re: Defendants' Motion for Reconsideration			0.00		
2894	TIME	Allen	2.90	600.00	1740.00
8/22/2016		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Finalized and filed Plaintiffs' Response to Defendants' Motion for Reconsideration			0.00		
3025	TIME	Allen	0.20	600.00	120.00
8/24/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2895	TIME	Allen	4.20	600.00	2520.00
8/30/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Reply Re: Motion for Reconsideration; preparation for hearing on motion			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2896	TIME	Allen	0.20	600.00	120.00
8/30/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Email from John Scott			0.00		
2897	TIME	Allen	2.20	600.00	1320.00
8/31/2016		hearing	0.00	T	
WIP		Bryan and Hairr	0.00		
Hearing denying Defendants' Motion for Reconsideration; telephone conference with John Scott			0.00		
2898	TIME	Allen	0.50	600.00	300.00
10/12/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Offer of Judgment with clients			0.00		
2899	TIME	Allen	1.10	600.00	660.00
10/14/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Pre-trial disclosures			0.00		
3026	TIME	Allen	0.40	600.00	240.00
10/15/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott Re: trial and trial preparation			0.00		
3027	TIME	Allen	0.80	600.00	480.00
10/16/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Multiple emails and telephone conference with John Scott			0.00		
3028	TIME	Allen	2.30	600.00	1380.00
10/17/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails and telephone conference with John Scott Re: trial preparation			0.00		
3029	TIME	Allen	2.50	600.00	1500.00
10/18/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference and emails from John Scott Re: trial preparation			0.00		
3030	TIME	Allen	0.20	600.00	120.00
10/19/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		

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Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
3031	TIME	Allen	2.70	600.00	1620.00
10/21/2016		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Multiple emails and telephone conference with John Scott; trial preparation			0.00		
3032	TIME	Allen	1.80	600.00	1080.00
10/24/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott and multiple emails			0.00		
2900	TIME	Allen	1.40	600.00	840.00
10/26/2016		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft and file Order denying Defendants' Motion for Reconsideration; telephone conference with John Scott			0.00		
3033	TIME	Allen	0.50	600.00	300.00
10/27/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3034	TIME	Allen	2.30	600.00	1380.00
10/28/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Conference call and emails with John Scott			0.00		
3035	TIME	Allen	0.40	600.00	240.00
11/1/2016		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3036	TIME	Allen	0.40	600.00	240.00
11/2/2016		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Emails from John Scott			0.00		
2901	TIME	Allen	1.20	600.00	720.00
11/3/2016		Court Preparation	0.00	T	
WIP		Bryan and Hairr	0.00		
Pre-trial Calendar call; telephone conference with John Scott			0.00		
2902	TIME	Allen	0.90	600.00	540.00
11/7/2016		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Individual Pre-trial Memorandum			0.00		

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Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
3047	TIME			Allen	0.20	600.00	120.00
	1/9/2017			Email	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Email from John Scott Re: transcripts delay		0.00		
3048	TIME			Allen	0.20	600.00	120.00
	1/10/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
2911	TIME			Allen	0.30	600.00	180.00
	1/23/2017			document review	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Stipulation and Order Re: Closing argument briefing		0.00		
3049	TIME			Allen	0.20	600.00	120.00
	2/14/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
2912	TIME			Allen	9.20	600.00	5520.00
	2/20/2017			document review	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Review trial transcripts; telephone conference with John Scott		0.00		
3050	TIME			Allen	0.20	600.00	120.00
	2/22/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
3051	TIME			Allen	0.20	600.00	120.00
	2/23/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
2913	TIME			Allen	7.90	600.00	4740.00
	3/8/2017			document draft	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Review trial transcripts; draft closing brief		0.00		
3052	TIME			Allen	0.50	600.00	300.00
	3/10/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott Re: Closing Brief		0.00		

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Slip ID	Dates and Time	Posting Status	Description	Timekeeper Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
2914	TIME			Allen	6.40	600.00	3840.00
	3/17/2017			document draft	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Review trial transcript; draft closing brief		0.00		
2915	TIME			Allen	8.40	600.00	5040.00
	3/18/2017			document draft	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Draft closing argument		0.00		
2916	TIME			Allen	9.90	600.00	5940.00
	3/19/2017			editing	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Draft and edit closing argument		0.00		
2917	TIME			Allen	10.30	600.00	6180.00
	3/20/2017			editing	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Finalized and filed Plaintiffs' Closing Argument brief; telephone conference with John Scott		0.00		
3053	TIME			Allen	0.20	600.00	120.00
	4/7/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
3054	TIME			Allen	0.20	600.00	120.00
	4/13/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		
3055	TIME			Allen	0.30	600.00	180.00
	4/17/2017			Email	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Emails and telephone conference with John Scott		0.00		
2918	TIME			Allen	0.30	600.00	180.00
	4/20/2017			document review	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Stipulation and Order to extend the deadline for Defendant to file its Post trial Closing Argument Brief; telephone conference with John Scott		0.00		
3056	TIME			Allen	0.20	600.00	120.00
	4/21/2017			phone	0.00	T	
	WIP			Bryan and Hairr	0.00		
			Telephone conference with John Scott		0.00		

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Slip ID	Dates and Time	Timekeeper Activity	Units DNB Time	Rate Rate Info	Slip Value
Posting Status		Client Reference	Est. Time	Bill Status	
Description			Variance		
2919	TIME	Allen	3.70	600.00	2220.00
4/30/2017		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Closing Argument Brief			0.00		
2920	TIME	Allen	8.70	600.00	5220.00
5/2/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research CCSD liability, actual notice issued			0.00		
3057	TIME	Allen	0.60	600.00	360.00
5/3/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: Reply Brief			0.00		
2921	TIME	Allen	6.50	600.00	3900.00
5/7/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research claim of special relationship applying only to negligence and Defendants' "negligence per se" deliberate indifference claim			0.00		
3058	TIME	Allen	0.20	600.00	120.00
5/9/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2922	TIME	Allen	6.20	600.00	3720.00
5/22/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research deliberate indifference; draft rebuttal			0.00		
2923	TIME	Allen	4.90	600.00	2940.00
5/23/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research constitutionally protected interest; draft rebuttal; telephone conference with John Scott			0.00		
2924	TIME	Allen	6.00	600.00	3600.00
5/24/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research Title IX; pervasive severe and objectively unreasonable; loss of educational opportunity; draft rebuttal; emails and telephone conference with John Scott			0.00		
2925	TIME	Allen	7.70	600.00	4620.00
5/25/2017		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft and edit rebuttal; telephone conference with John Scott			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2926	TIME	Allen	9.70	600.00	5820.00
5/26/2017		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Finalized and filed Plaintiffs' Closing Rebuttal brief			0.00		
2927	TIME	Allen	5.30	600.00	3180.00
6/5/2017		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' Motion to Strike Portions of Plaintiffs' Closing Rebuttal brief; Research Re: Motion to Strike			0.00		
2928	TIME	Allen	4.20	600.00	2520.00
6/6/2017		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review Defendants' cited cases			0.00		
2786	TIME	Allen	3.60	600.00	2160.00
6/7/2017		Email	0.00	T	
WIP		Bryan and Hairr	0.00		
Multiple emails and telephone conference with John Scott Re: Motion to Strike			0.00		
2929	TIME	Allen	5.30	600.00	3180.00
6/8/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research difference between appellate briefs and written closing arguments			0.00		
2930	TIME	Allen	3.10	600.00	1860.00
6/9/2017		research	0.00	T	
WIP		Bryan and Hairr	0.00		
Research prejudice in closing arguments in bench trial and court discretion; review record for prior rulings on legal issues			0.00		
2931	TIME	Allen	4.80	600.00	2880.00
6/11/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Plaintiffs' Opposition to Motion to Strike			0.00		
2932	TIME	Allen	5.50	600.00	3300.00
6/12/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft Plaintiffs' Opposition to Motion to Strike; emails and telephone conference with John Scott			0.00		
2933	TIME	Allen	6.80	600.00	4080.00
6/13/2017		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Edited and finalized Response to Defendants'			0.00		

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Slip ID		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
<hr/>					
Motion to Strike Plaintiffs' Rebuttal Defendants' Reply					
3059	TIME	Allen	0.20	600.00	120.00
6/22/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
2934	TIME	Allen	1.70	600.00	1020.00
6/29/2017		document review	0.00	T	
WIP		Bryan and Hairr	0.00		
Review decision and order			0.00		
2935	TIME	Allen	5.20	600.00	3120.00
7/6/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft findings of fact, conclusions of law; telephone conference with John Scott			0.00		
2936	TIME	Allen	3.80	600.00	2280.00
7/7/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft finding of fact and conclusions of law and judgment			0.00		
3060	TIME	Allen	0.20	600.00	120.00
7/10/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3061	TIME	Allen	0.20	600.00	120.00
7/13/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott			0.00		
3062	TIME	Allen	0.40	600.00	240.00
7/14/2017		phone	0.00	T	
WIP		Bryan and Hairr	0.00		
Telephone conference with John Scott Re: damage issue			0.00		
3063	TIME	Allen	4.70	600.00	2820.00
7/15/2017		document draft	0.00	T	
WIP		Bryan and Hairr	0.00		
Draft proposed finding of fact and conclusions of law and judgment			0.00		
3064	TIME	Allen	6.90	600.00	4140.00
7/17/2017		editing	0.00	T	
WIP		Bryan and Hairr	0.00		
Edited and finalized findings of fact and conclusions of law and judgment; telephone			0.00		

Case Nos. 73856 & 74566

In the Supreme Court of Nevada

CLARK COUNTY SCHOOL DISTRICT,
Appellant,

vs.

MARY BRYAN, mother of ETHAN
BRYAN; and AIMEE HAIRR,
mother of NOLAN HAIRR,
Respondents.

Electronically Filed
Jun 04 2018 10:00 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable NANCY ALLF, District Judge
District Court Case No. A-14-700018-C

**APPELLANT'S APPENDIX
VOLUME 7
PAGES 1501-1750**

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Attorneys for Appellant

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12	Stipulated Protective Order	12/14/15	1	205–209
13	Recorder’s Transcript of Proceedings – Defendants’ Motion to Compel Rule 35 Examinations	02/10/16	1	210–218
14	Recorders Transcript of Hearing – Motion to Compel Damages Categories and Calculations from Plaintiff Aimee Hairr; Motion to Compel Damages Categories and Calculations from Plaintiff Mary Bryan on OST	02/17/16	1	219–228
15	Order Setting Firm Civil Bench Trial, Pre-Trial/Calendar Call	03/25/16	1	229–230
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18	Transcript of Proceedings – Defendants’ Motion for Partial Reconsideration, or in the Alternative, Motion for Relief Pursuant to NRCP 59(e), 60(a), and 60(b), or Motion in Limine	08/31/16	2	266–280
19	Order Denying Defendants’ Motion for Reconsideration	10/26/16	2	281–282
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25	Transcript of Proceedings: Bench Trial - Day 3	11/17/16	4	804–963
26	Transcript of Proceedings: Bench Trial - Day 4	11/18/16	4 5	964–1000 1001–1183
27	Transcript of Proceedings: Bench Trial - Day 5	11/22/16	5 6	1184–1250 1251
28	Plaintiffs’ Closing Argument Memorandum	03/20/17	6	1252–1310
29	Defendant CCSD’s Closing Arguments	04/26/17	6	1311–1378
30	Plaintiffs’ Closing Argument Rebuttal Brief	05/26/17	6	1379–1415
31	CCSD’s Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	06/02/17	6	1416–1430
32	Plaintiffs’ Opposition to Defendant’s Motion to Strike Plaintiffs’ Closing Rebuttal Brief	06/15/17	6	1431–1447
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35	Transcript of Proceedings – Clark County School District’s Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	07/19/17	6	1477–1482
36	Plaintiffs’ Verified Memorandum of Costs and Disbursements	07/27/17	6 7	1483–1500 1501–1529
37	CCSD’s Motion to Retax Memorandum of Costs and Disbursements	07/31/17	7	1530–1550
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	Strike Plaintiffs' Closing Rebuttal Brief			
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42	Errata to Plaintiffs' Response to Defendants' Motion to Retax Costs	08/15/17	8	1914–1949
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45	Case Appeal Statement	08/23/17	9	2018–2024
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47	CCSD's Reply in Support of Motion to Retax Memorandum of Costs and Disbursements	08/29/17	9	2074–2088
48	Transcript of Proceedings – Clark County School District's Motion to Retax Memorandum of Costs and Disbursements	09/06/17	9	2089–2102
49	Notice of Entry of Order on CCSD's Motion to Retax Memorandum of Costs and Disbursements	09/19/17	9	2103–2107
50	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Fees and Costs	09/27/17	9	2108–2151
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52	Notice of Entry of Order Re: Plaintiffs' Motion for Attorneys' Fees	11/20/17	9	2157–2161
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54	Amended Case Appeal Statement	11/22/17	9	2211–2217
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58	Trial Exhibit No. 8 – October 19, 2011 Email		9	2228–2229
59	Trial Exhibit No. 9 – September 22, 2011 N. Hairr Incident Report		9	2230
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62	Trial Exhibit No. 547 – February 8, 2012 N. Hairr Incident Report		9	2236–2239
63	Trial Exhibit No. 555 – E. Bryan Grades		9	2240
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21	Plaintiffs' Pre-Trial Memorandum	11/08/16	2	352–365
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65	Plaintiffs' Response to Defendants' Motion to Compel a Rule 35 Examination	01/19/16	9	2242–2248
41	Plaintiffs' Response to Defendants' Motion to Retax Costs	08/14/17	8	1881–1913
36	Plaintiffs' Verified Memorandum of Costs and Disbursements	07/27/17	6 7	1483–1500 1501–1529

13	Recorder's Transcript of Proceedings – Defendants' Motion to Compel Rule 35 Examinations	02/10/16	1	210–218
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11	Notice of Entry of Order Granting Defendants’ Rule 12 Motion to Dismiss Unserved Parties	12/02/15	1	199–204

12	Stipulated Protective Order	12/14/15	1	205–209
13	Recorder’s Transcript of Proceedings – Defendants’ Motion to Compel Rule 35 Examinations	02/10/16	1	210–218
14	Recorders Transcript of Hearing – Motion to Compel Damages Categories and Calculations from Plaintiff Aimee Hairr; Motion to Compel Damages Categories and Calculations from Plaintiff Mary Bryan on OST	02/17/16	1	219–228
15	Order Setting Firm Civil Bench Trial, Pre-Trial/Calendar Call	03/25/16	1	229–230
16	Transcript of Proceedings: Defendants’ Motion for Summary Judgment; Defendants’ Motion for Leave to File Excess Pages	04/21/16	1 2	231–250 251–258
17	Notice of Entry of Order Regarding (1) Defendants’ Motion for Summary Judgment, and (2) Defendants’ Motion for Leave to File Excess Pages	07/26/16	2	259–265
18	Transcript of Proceedings – Defendants’ Motion for Partial Reconsideration, or in the Alternative, Motion for Relief Pursuant to NRCP 59(e), 60(a), and 60(b), or Motion in Limine	08/31/16	2	266–280
19	Order Denying Defendants’ Motion for Reconsideration	10/26/16	2	281–282
20	CCSD’s Individual Pretrial Memorandum	11/07/16	2	283–351
21	Plaintiffs’ Pre-Trial Memorandum	11/08/16	2	352–365
22	Defendants’ Trial Brief	11/10/16	2	366–432
23	Transcript of Proceedings: Bench Trial - Day 1	11/15/16	2 3	433–500 501–637

24	Transcript of Proceedings: Bench Trial - Day 2	11/16/16	3 4	638–750 751–803
25	Transcript of Proceedings: Bench Trial - Day 3	11/17/16	4	804–963
26	Transcript of Proceedings: Bench Trial - Day 4	11/18/16	4 5	964–1000 1001–1183
27	Transcript of Proceedings: Bench Trial - Day 5	11/22/16	5 6	1184–1250 1251
28	Plaintiffs’ Closing Argument Memorandum	03/20/17	6	1252–1310
29	Defendant CCSD’s Closing Arguments	04/26/17	6	1311–1378
30	Plaintiffs’ Closing Argument Rebuttal Brief	05/26/17	6	1379–1415
31	CCSD’s Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	06/02/17	6	1416–1430
32	Plaintiffs’ Opposition to Defendant’s Motion to Strike Plaintiffs’ Closing Rebuttal Brief	06/15/17	6	1431–1447
33	Decision and Order	06/29/17	6	1448–1460
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35	Transcript of Proceedings – Clark County School District’s Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	07/19/17	6	1477–1482
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37	CCSD’s Motion to Retax Memorandum of Costs and Disbursements	07/31/17	7	1530–1550
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40	Plaintiffs' Errata to Plaintiffs' August 9, 2017 Motion for Fees and Costs	08/10/17	7 8	1716–1750 1751–1880
41	Plaintiffs' Response to Defendants' Motion to Retax Costs	08/14/17	8	1881–1913
42	Errata to Plaintiffs' Response to Defendants' Motion to Retax Costs	08/15/17	8	1914–1949
43	Notice of Findings of Fact, Conclusions of Law and Judgment	08/15/17	8	1950–1974
44	Notice of Appeal	08/23/17	8 9	1975–2000 2001–2017
45	Case Appeal Statement	08/23/17	9	2018–2024
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47	CCSD's Reply in Support of Motion to Retax Memorandum of Costs and Disbursements	08/29/17	9	2074–2088
48	Transcript of Proceedings – Clark County School District's Motion to Retax Memorandum of Costs and Disbursements	09/06/17	9	2089–2102
49	Notice of Entry of Order on CCSD's Motion to Retax Memorandum of Costs and Disbursements	09/19/17	9	2103–2107
50	Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Fees and Costs	09/27/17	9	2108–2151
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56	Trial Exhibit No. 4 – September 15, 2011 Email		9	2225
57	Trial Exhibit No. 5 – Behavior Chronology		9	2226–2227
58	Trial Exhibit No. 8 – October 19, 2011 Email		9	2228–2229
59	Trial Exhibit No. 9 – September 22, 2011 N. Hairr Incident Report		9	2230
60	Trial Exhibit No. 506 – October 19, 2011 E. Bryan Incident Report		9	2231
61	Trial Exhibit No. 525 – February 7, 2012 Email		9	2232–2235
62	Trial Exhibit No. 547 – February 8, 2012 N. Hairr Incident Report		9	2236–2239
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53	Amended Notice of Appeal	11/22/17	9	2162–2210
45	Case Appeal Statement	08/23/17	9	2018–2024
20	CCSD’s Individual Pretrial Memorandum	11/07/16	2	283–351
37	CCSD’s Motion to Retax Memorandum of Costs and Disbursements	07/31/17	7	1530–1550
31	CCSD’s Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	06/02/17	6	1416–1430
46	CCSD’s Opposition to Plaintiffs’ Motion for Attorneys’ Fees and Costs	08/28/17	9	2025–2073
34	CCSD’s Reply in Support of Its Motion to Strike Portions of Plaintiffs’ Closing Rebuttal Brief	07/06/17	6	1461–1476
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33	Decision and Order	06/29/17	6	1448–1460
07	Decision and Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss and Denying Plaintiffs’ Countermotion to Strike	02/10/15	1	150–155
29	Defendant CCSD’s Closing Arguments	04/26/17	6	1311–1378
08	Defendants CCSD, Warren P. McKay, Leonard DePiazza, Cheryl Winn, John Halpin and Robert Beasley’s Answer to	02/25/15	1	156–176

	First Amended Complaint for Declaratory Relief, Injunctive Relief, and Damages (with Errata)			
22	Defendants' Trial Brief	11/10/16	2	366–432
06	Errata to First Amended Complaint	11/17/14	1	111–149
42	Errata to Plaintiffs' Response to Defendants' Motion to Retax Costs	08/15/17	8	1914–1949
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30	Plaintiffs' Closing Argument Rebuttal Brief	05/26/17	6	1379–1415
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13	Recorder's Transcript of Proceedings – Defendants' Motion to Compel Rule 35	02/10/16	1	210–218

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14	Recorders Transcript of Hearing – Motion to Compel Damages Categories and Calculations from Plaintiff Aimee Hairr; Motion to Compel Damages Categories and Calculations from Plaintiff Mary Bryan on OST	02/17/16	1	219–228
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61	Trial Exhibit No. 525 – February 7, 2012 Email		9	2232–2235
62	Trial Exhibit No. 547 – February 8, 2012 N. Hairr Incident Report		9	2236–2239
63	Trial Exhibit No. 555 – E. Bryan Grades		9	2240
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58	Trial Exhibit No. 8 – October 19, 2011 Email		9	2228–2229
59	Trial Exhibit No. 9 – September 22, 2011 N. Hairr Incident Report		9	2230


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1/19/2016 49962

TO:

IN RE:

BRYAN V. CCSD

Allen K. Lichtenstein, Esq.
3315 East Russell Road
Suite 222
Las Vegas, Nevada 89120

INVOICE

DEPOSITION OF C [REDACTED] 1/5/16

346.10

Transcript, Copy

(Electronic Format)

19.50

Statutory administration of transcript subsequent to publication

7.20

Standard/Black and White Exhibit(s) - Electronic format

POSTED

4/6/16
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REPORTER:

L. Unruh

BALANCE DUE:

\$372.80

507.186.40


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Charge of 1 1/2% per month (18% per
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DATE

INVOICE

1/22/2016

49981

TO:

IN RE:

BRYAN V. CCSD

Allen K. Lichtenstein, Esq.
3315 East Russell Road
Suite 222
Las Vegas, Nevada 89120

INVOICE

DEPOSITION OF DAVID M. [REDACTED], 1/13/16

349.15

Transcript, Copy

(Electronic Format)

19.50

Statutory administration of transcript subsequent to publication

8.40

Standard/Black and White Exhibit(s) - Electronic format

2.25

Color exhibit(s) - Electronic format

REPORTER:

L. Unruh

BALANCE DUE

\$379.30

4/16/16
2097
E 752.10

AIR Confirmation: R4MXTP

Confirmation Date: 12/1/2015

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN HOU TON	217859913	5262163210458	Nov 30, 2016	2290

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Date	Flight	Departure/Arrival
------	--------	-------------------

Fri Jan 23	209	Depart SAN FRANCISCO, CA (SFO) on Southwest Airlines at 4:30 AM Arrive in PHOENIX, AZ (PHX) at 09:20 AM Wanna Get Away
		at 10:10 AM

Date	Flight	Departure/Arrival
------	--------	-------------------

Sun Jan 24	209	Depart NEW ORLEANS, LA (MSY) on Southwest Airlines at 4:30 PM Arrive in LAS VEGAS, NV (LAS) at 6:30 PM Travel Time 4 hrs 0 mins Wanna Get Away
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Check in for your flight(s): 24 hours before your trip on Southwest.com or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.

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30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.

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Air Cost: 442.46

Fare Rule(s): 5262163210458: NONREF/NONTRANSFERABLE/STANDBY REQ UPGRADE TO Y.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

SFO WN X/PHX WN MSY184.54OLAVHNRO WN LAS197.10WLVHNR
381.64 END ZPSFOPHXMSY XFSFO4.5PHX4.5 AY11.20\$SFO5.60 MSY5.60

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AIR - R4MXTTP

Base Fare	\$ 381.64	Payment Information
Excise Taxes	\$ 28.62	Payment Type: Visa XXXXXXXXXXXXX2430
Segment Fee	\$ 12.00	Date: Dec 1, 2015
Passenger Facility Charge	\$ 9.00	Payment Amount: \$442.46
September 11th Security Fee	\$ 11.20	
Total Air Cost	\$ 442.46	

2 = \$221.23

Bryan, et al. vs. CCSD, et al. - Statement

Remit To: Litigation Services and Technologies of Nevada, LLC
 PO Box 843298
 Los Angeles, CA 90084-3298
 Phone: 800-330-1112 Fax: 702-631-7351

Accounts Payable
 Allen Lichtenstein, Law Office
 3315 East Russell Road, Suite 222
 Las Vegas, NV 89120
 Phone: 702-433-2666 Fax: 702-433-9591

Account No.	Date
72755	3/11/2016

Current	30 Days	60 Days
2,116.76	2,099.08	1,183.05
90 Days	120 Days & Over	Total Due
0.00	0.00	5,398.83

Job Date	Witness	Case No.	Contact	Case Name	Invoice No.	Invoice Date	Invoice Amount	Payment Received	Payment Received From	Balance
12/21/2015	Meen Michael Heier		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1044342	1/6/2016	1,075.50			1,183.05
1/6/2016	Aaron Oliver Heier		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1046125	1/18/2016	873.25			960.38
1/21/2016	Elkan Bryan		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1048764	2/1/2016	1,035.08			1,138.50
2/5/2016	Henry Bryan		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1051615	2/22/2016	1,831.43			1,831.40
2/16/2016	Heath Heier		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1052384	3/2/2016	360.00			360.00
2/16/2016	Gan Alshodko, MS, LPC		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053298	2/28/2016	607.25			607.25
2/19/2016	Ashesh Desai, M.D.		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053578	2/28/2016	115.95			135.95
2/19/2016	Edward Fany, M.D.		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1053610	3/2/2016	182.10			182.10
Total Balance Due:										5,398.83

Task ID: 27513055

POSTED

Bryan et al. vs. Clark County School District, et al. - Statement

Remit To: Litigation Services and Technologies of Nevada, LLC

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Las Angeles, CA 90084-3298
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Allen Lichtenstein, Law Office
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Las Vegas, NV 89120
Phone: 702-433-2866 Fax: 702-433-9591

Account No.	Date
F2735	3/11/2016

Current	30 Days	60 Days
236.35	0.00	0.00
90 Days	120 Days & Over	Total Due
0.00	0.00	236.35

Job Date	Witness	Claim No.	Contract	Case Name	Invoice No.	Invoice Date	Invoice Amount	Payment Received	Payment Received From	Balance
2/4/2016	Dennis Moore, MD		Lichtenstein, Esq., M/25	Bryan et al. vs. Clark County School District, et al.	1052463	2/24/2016	236.35			236.35
Total Balance Due:										236.35

Trans ID: 27-5114755

INVOICE

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

Invoice No.	Invoice Date	Job No.
24752	1/28/2016	20056
Job Date	Case No.	
1/25/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL & ONE CERTIFIED TRANSCRIPT
Leonard Deplazza

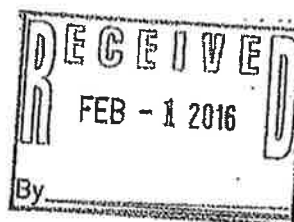
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Phone: (415) 561-9601 Fax: (415) 561-9609

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Job No. : 20056 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24752 Invoice Date : 1/28/2016
Total Due : \$ 815.00

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Cardholder's Name:				
Card Number:				
Exp. Date:		Phone#:		
Billing Address:				
Zip:		Card Security Code:		
Amount to Charge:				
Cardholder's Signature:				
Email:				

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Invoice No.	Invoice Date	Job No.
24805	2/1/2016	20057
Job Date	Case No.	
1/26/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

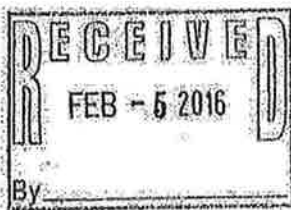
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Robert Beasley

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533.00
TOTAL DUE >>> \$533.00



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San Francisco, CA 94109

Job No. : 20057 BU ID : 2-DILV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24805 Invoice Date : 2/1/2016
Total Due : \$ 533.00

emit To: Depo International
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PAYMENT WITH CREDIT CARD	
Cardholder's Name: _____	
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Amount to Charge: _____	
Cardholder's Signature: _____	
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Invoice No.	Invoice Date	Job No.		
24897	2/4/2016	20058		
Job Date	Case No.			
1/27/2016	A-14-700018-C			
Case Name				
Mary Bryan, et al. vs. Clark County School District, et al.				
Payment Terms				
Due upon receipt				

ORIGINAL & ONE ELECTRONIC CERTIFIED TRANSCRIPT

John Edwin Halpin

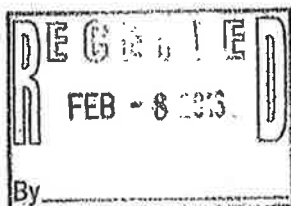
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Job No. : 20058 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24897 Invoice Date : 2/4/2016
Total Due : \$ 589.50

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Zip:		Card Security Code:	
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703 South Eighth Street
Las Vegas, NV 89101
Phone: 702-386-9322 Fax: 702-386-9825

Invoice No.	Invoice Date	Job No.
24901	2/4/2016	20059
Job Date	Case No.	
1/28/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL & ONE ELECTRONIC CERTIFIED TRANSCRIPT

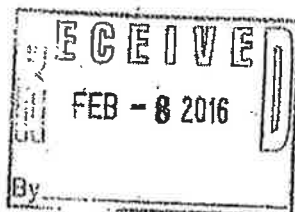
Andre Joseph Long

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!

TOTAL DUE >>>

\$947.50



Fax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 20059 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 24901 Invoice Date : 2/4/2016
Total Due : \$ 947.50

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD	
Cardholder's Name:	
Card Number:	
Exp. Date:	Phone#:
Billing Address:	
Zip:	Card Security Code:
Amount to Charge:	
Cardholder's Signature:	
Email:	

STATEMENT

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Phone: 702.386.9322 Fax: 702.386.9825

Account No.	Date
F2961	4/1/2016

Current	30 Days	60 Days
\$0.00	\$882.59	\$0.00
90 Days	120 Days & Over	Total Due
\$0.00	\$0.00	\$882.59

Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
3806 Forestcrest Drive
Las Vegas, NV 89121

Page 1 of 1

Invoice Date	Invoice No.	Balance	Job Date	Witness	Case Name
2/4/2016	24899	325.76	1/27/2016	John Edwin Halpin	Mary Bryan, et al. vs. Clark County School District, et al.
2/4/2016	24902	556.83	1/28/2016	Andre Joseph Long	Mary Bryan, et al. vs. Clark County School District, et al.
PLEASE SEND PAYMENT					

Tax ID: 45-0581340

Phone: (702) 433-2666 Fax: (702) 433-9591

Please detach bottom portion and return with payment.

Accounts Payable
Allen Lichtenstein, Attorney at Law, Ltd.
3806 Forestcrest Drive
Las Vegas, NV 89121

Account No. : F2961
Date : 4/1/2016

Total Due : \$ 882.59

4/6/16
2096

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD		AMEX	DISC	VISA
Cardholder's Name:				
Card Number:				
Exp. Date:		Phone#:		
Billing Address:				
Zip:		Card Security Code:		
Amount to Charge:				
Cardholder's Signature:				
Email:				

John H. Scott

From: Southwest Airlines <SouthwestAirlines@luv.southwest.com>
Sent: Monday, January 11, 2016 7:30 PM
To: John H. Scott
Subject: Flight reservation (RYNHEH) | 28JAN16 | LAS-SFO | Scott/John

Thanks for choosing Southwest® for your trip.

Southwest♥
[Log in](#) | [View my itinerary](#)
[Check In
Online](#)
[Check Flight
Status](#)
[Change
Flight](#)
[Special
Offers](#)
[Hotel
Offers](#)
[Car
Offers](#)
Ready for takeoff!

Thanks for choosing Southwest® for your trip. You'll find everything you need to know about your reservation below. Happy travels!


[Air itinerary](#)
AIR Confirmation: RYNHEH

Confirmation Date: 01/11/2016

Passenger(s)	Rapid Rewards #	Ticket #	Expiration	Est. Points Earned
SCOTT/JOHN	217859913	5262173005456	Jan 10, 2017	0

Date	Flight	Departure/Arrival
Thu Jan 28	595	Depart LAS VEGAS, NV (LAS) on Southwest Airlines at 4:40 PM Arrive in SAN FRANCISCO, CA (SFO) at 6:10 PM Travel Time 1 hrs 30 mins Wanna Get Away



Check in for your flight(s): 24 hours before your trip on [Southwest.com](#) or your mobile device to secure your boarding position. You'll be assigned a boarding position based on your check-in time. The earlier you check in within 24 hours of your flight, the earlier you get to board.



Bags fly free®: First and second checked bags. [Weight and size limits apply.](#) One small bag and one personal item are permitted as [carryon](#) items, free of charge.



30 minutes before departure: We encourage you to arrive in the gate area no later than 30 minutes prior to your flight's scheduled departure as we may begin boarding as early as 30 minutes before your flight.

**Rentals as low
as \$15 per day.**

+ earn 1,200
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points

dollar.

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check-in for you.

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- ✓ Best rate guarantee
- ✓ Free cancellation

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L 10 minutes before departure: You must obtain your boarding pass(es) and be in the gate area for boarding at least 10 minutes prior to your flight's scheduled departure time. If not, Southwest may cancel your reserved space and you will not be eligible for denied boarding compensation.

i If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

Air Cost: 5.60

Fare Rule(s): 5262173005456: 1234.

Valid only on Southwest Airlines. All travel involving funds from this Confirmation Number must be completed by the expiration date. Unused travel funds may only be applied toward the purchase of future travel for the individual named on the ticket. Any changes to this itinerary may result in a fare increase. Failure to cancel reservations for a Wanna Get Away fare segment at least 10 minutes prior to travel will result in the forfeiture of all remaining unused funds.

LAS WN SFO0.00N/NFF 0.00 END AY5.60\$LAS5.60



Learn about our
boarding process.



Learn about inflight
WiFi & entertainment.

Cost and Payment Summary

✈ AIR - RYNHEH

Base Fare	\$ 0.00
Excise Taxes	\$ 0.00
Segment Fee	\$ 0.00
Passenger Facility Charge	\$ 0.00
September 11th Security Fee	\$ 5.60
Total Air Cost	\$ 5.60

Payment Information

Payment Type: 4746 Rapid Rewards Points

00000217859913

Date: Jan 11, 2016

Payment Type: Visa XXXXXXXXXXXX2430

Date: Jan 11, 2016

Payment Amount: \$5.60

109.00
114.60



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- ✓ Guaranteed low rates
- ✓ Free cancellation

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Travel more for less.

Exclusive deals for your
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Southwest® Rapid Rewards®

- ✓ Unlimited reward seats
- ✓ No blackout dates
- ✓ Redeem for international flights and more

Enroll now >

Bryan/Hairr -
 exhibits to Allen's
 Declaration regarding the
 "Motion To Disqualify"



Shipment Receipt

Address Information

Ship to:

Allen Lichtenstein

3315 Russell Road, No. 222

LAS VEGAS, NV

89120

US

(702) 433-2666

Ship from:

John Houston Scott

Scott Law Firm

1388 Sutter Street, Suite 715

San Francisco, CA

94109

US

4155619601

Shipment Information:

Tracking no.: 775904967664

Ship date: 03/17/2016

Estimated shipping charges: 32.49

Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.80 LBS

Declared Value: 0.00 USD

Special Services: Residential Delivery

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: MyAccount-722

Your reference: Bryan/Hairr

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.



FedEx Billing Online

Tracking ID Details		Back	
Tracking ID Summary		Help Hide	
Billing Information		Messages	
Tracking ID no.	≤ Prev 777679212411 Next >	FedEx has audited this shipment for correct package Read More .	
Invoice no.	4-464-43301	Distance Based Pricing, Zone 4	
Account no.	2579-5472-2	Fuel Surcharge - FedEx has applied a fuel surcharge Read More .	
Bill date	11/09/2016	The package weight exceeds the maximum for the package Read More .	
Total Billed	\$115.11		
Tracking ID Balance due	\$0.00		
Status	Paid CC		
View Invoice History			
View signature proof of delivery			
Transaction Details		Help Hide	
Sender Information		Recipient Information	
John Houston Scott		Allen Lichtenstein	
Scott Lew Firm		3315 Russell Road, No. 222	
1386 Sutter Street, Suite 715		LAS VEGAS NV 89120	
SAN FRANCISCO CA 94109		US	
US			
Shipment Details		Charges	
Ship date	11/09/2016	Transportation Charge	125.09
Payment type	Shipper	Fuel Surcharge	2.53
Service type	FedEx Priority Overnight	Weekday Delivery	0.00
Zone	04	Automation Bonus Discount	-12.51
Package type	Customer Packaging	Total charges	\$115.11
Weight	16.00 lbs		
Pieces	1		
Meter No.	1443208		
Declared value	\$0.00		
Original Reference			
Customer reference no.	Bryan/Mazz		
Department no.			
Reference #2			
Reference #3			
Proof of Delivery			
Delivery date	11/10/2016 09:48		
Service area code	A1		
Signed by	M.MARIUZ		
View signature proof of delivery			

Back



Depo International
703 South Eighth Street
Las Vegas, NV 89101
Ph: 800.591.9722 Fax: 702.386.9825

INVOICE

Invoice No.	Invoice Date	Job No.
30045	11/9/2016	20057
Job Date	Case No.	
1/26/2016	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL TRANSCRIPT

Robert Beasley

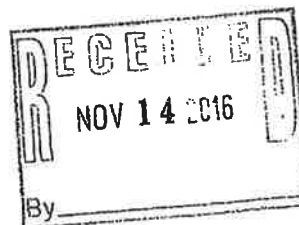
46.00

TOTAL DUE >>>

\$46.00

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!



Tax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 20057 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30045 Invoice Date : 11/9/2016
Total Due : \$ 46.00

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____



Depo International
703 South Eighth Street
Las Vegas, NV 89101
Ph: 800.591.9722 Fax: 702.386.9825

INVOICE

Invoice No.	Invoice Date	Job No.
30044	11/9/2016	19283
Job Date	Case No.	
11/3/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL TRANSCRIPT

Cheryl Winn

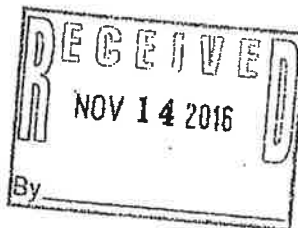
151.00

TOTAL DUE >>>

\$151.00

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!



Tax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 19283 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30044 Invoice Date : 11/9/2016
Total Due : \$ 151.00

Remit To: **Depo International**
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____



Depo International
703 South Eighth Street
Las Vegas, NV 89101
Ph: 800.591.9722 Fax: 702.386.9825

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

INVOICE

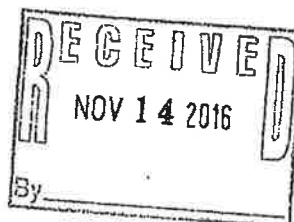
Invoice No.	Invoice Date	Job No.
30046	11/9/2016	19282
Job Date	Case No.	
11/2/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

ORIGINAL TRANSCRIPT
Warren McKay

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!

137.00
TOTAL DUE >>> \$137.00



Tax ID: 45-0581340

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 19282 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30046 Invoice Date : 11/9/2016
Total Due : \$ 137.00

Remit To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD



Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____

INVOICE

Depo International
703 South Eighth Street
Las Vegas, NV 89101
Ph: 800.591.9722 Fax: 702.386.9825

Invoice No.	Invoice Date	Job No.
30047	11/9/2016	19639
Job Date	Case No.	
11/16/2015	A-14-700018-C	
Case Name		
Mary Bryan, et al. vs. Clark County School District, et al.		
Payment Terms		
Due upon receipt (1.5%/mo & collection)		

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL TRANSCRIPT

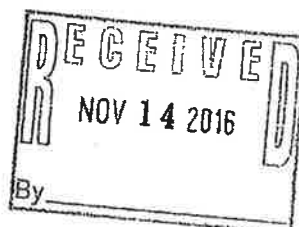
Deanna Wright

51.00

TOTAL DUE >>>**\$51.00**

If you have any questions, you may contact our billing department:
Billing@depointernational.com

Thank you for your business!

**Tax ID: 45-0581340**

Phone: (415) 561-9601 Fax: (415) 561-9609

Please detach bottom portion and return with payment.

John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

Job No. : 19639 BU ID : 2-DI LV
Case No. : A-14-700018-C
Case Name : Mary Bryan, et al. vs. Clark County School District, et al.
Invoice No. : 30047 Invoice Date : 11/9/2016
Total Due : \$ 51.00

Remit To: Depo International
703 South Eighth Street
Las Vegas, NV 89101

PAYMENT WITH CREDIT CARD	
Cardholder's Name:	
Card Number:	
Exp. Date:	Phone#:
Billing Address:	
Zip:	Card Security Code:
Amount to Charge:	
Cardholder's Signature:	
Email:	

DEPOSIT INVOICE

KIMBERLY LAWSON
 KARR REPORTING, INC.
 25730 East Euclid Drive
 Aurora, CO 80016

Date 11/28/2016

CLIENT

ALLEN K. LICHTENSTEIN, ESQ. 3315 Russell Road No. 222 Las Vegas, NV. 89120

Due Date 11/30/2016
 Other

Description	Qty	Rate	Amount
****DEPOSIT**** MARY BRYAN V CCSD CASE NO. A700018 DEPT NO. XXVII JUDGE: NANCY ALLF		2,000.00	2,000.00
		Subtotal	\$2,000.00
		Sales Tax (0.0%)	\$0.00
		Total	\$2,000.00

KIMBERLY LAWSON
 karreporting@comcast.net
 Tax ID No. 27-2346646

720-244-3978
 Fax 720-524-7785

STATE BAR OF NEVADA

COPY

YOUR ACCOUNT IS PAST DUE
ANNUAL RENEWAL INVOICE FOR ASSOCIATION OF COUNSEL
RETURN THIS FORM WITH ANY CORRESPONDENCE

May 30, 2017

Out of State Counsel ID: 39419
 John Houston Scott
 Scott Law Firm
 1388 Sutter Street
 Suite 715
 San Francisco, CA 94109



3100 W. Charleston Blvd.
 Suite 100
 Las Vegas, NV 89102
 phone 702.382.2200
 toll free 800.254.2797
 fax 702.385.2878

9456 Double R Blvd., Ste. B
 Reno, NV 89521-5977
 phone 775.329.4100
 fax 775.329.0522

www.nvbar.org

Case Name: Mary Bryan v Clark County School District

Case Number: A-14-700018-C

Date of Application: May 28, 2015 Renewal Period: 5/28/2016-5/28/2017

Due Date: Payment is due annually on application date.

**YOU ARE REQUIRED TO NOTIFY THE STATE BAR OF IF THIS CASE HAS CLOSED OR IF
 YOU HAVE WITHDRAWN.**

Your annual renewal fee pursuant to SCR42(9) is **PAST DUE**. If your admission status is not resolved within 14 days of this letter, the State Bar of will suspend you.

Check those that apply and complete all subsections applicable.

1. ☒ The case remains pending before a state court. A check payable to the State Bar of Nevada in the amount of \$500 representing the annual renewal fee pursuant to SCR 42 (9) is enclosed.

2. ☐ The above-referenced out-of-state attorney has withdrawn from this case. Therefore, no renewal fee under SCR 42 is applicable.

Date out-of-state counsel withdrew: _____

3. ☐ My party, _____, was dismissed, therefore I will no longer be practicing on this case. Date dismissed: _____

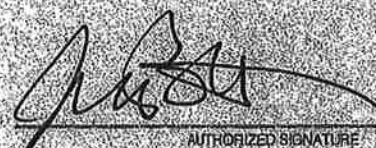
4. ☐ The cause has been finally adjudicated SCR 42(9)(a)(2). Date case closed: _____

5. ☐ Attorney is now licensed within the state of . Please provide bar number. No renewal fee due.

Please return only ONE response via email, fax OR mail. Please do not submit duplicate responses.

Payments/Responses should be mailed or emailed to:
 State Bar of Nevada, 3100 W. Charleston Blvd., Suite 100
 Las Vegas, NV 89102
 Phone 702-317-1424, maryj@nvbar.org

001521

SCOTT LAW FIRM		Bank of America	2153
GENERAL ACCOUNT		ACH R/T 121000358	11-35/1218 CA 91902
1388 SUTTER ST STE 715 SAN FRANCISCO, CA 94109			6/8/2017
PAY TO THE ORDER OF	State Bar of Nevada	\$**500.00	
Five Hundred and 00/100			DOLLARS
State Bar of Nevada 3100 W. Charleston Blvd. Suite 100 Las Vegas, NV 89102			
MEMO	Assoc. of Counsel Renewal - Case A-14-700018 C (
⑈002153⑈ ⑆121000358⑆ 325014791640⑈			

SCOTT LAW FIRM	GENERAL ACCOUNT	2153
State Bar of Nevada	6/8/2017	
Client Costs	Assoc. of Counsel Renewal - Case A-14-700018 C (500.00

General Checking acc	Assoc. of Counsel Renewal - Case A-14-700018	500.00
----------------------	--	--------

SCOTT LAW FIRM	GENERAL ACCOUNT	2153
State Bar of Nevada	6/8/2017	
Client Costs	Assoc. of Counsel Renewal - Case A-14-700018 C (500.00

General Checking acc	Assoc. of Counsel Renewal - Case A-14-700018	500.00
----------------------	--	--------

**TRANSCRIBER'S BILLING INFORMATION
DISTRICT COURT XXVII**

DATE OF INVOICE: 11/22/16

CASE #	A700018				
CASE NAME:	Mary Bryan vs. Clark County School District, et al				
HEARING DATE:	11/15/16-11/18/16, 11/22/15				
DEPARTMENT #	DISTRICT COURT 27				
ORDERED BY:	Allen Lichtenstein, Esq.				
FIRM:					
EMAIL:	allaw@lvcoxmail.com				
COURT RECORDER: Traci Rawlinson					
PHONE NUMBER: 702-671-0883					
PAYABLE TO:	<p>Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check</p> <p><u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Ave. Las Vegas, NV 89155</p>				
BILL AMOUNT:		CDs @ \$25 each =			\$
	22	hours @ \$40 an hour recording fee =			\$ 880.00
		pages @	\$3.80	per page of trans.=	\$
	TOTAL: (50/50 split between Plaintiff and Defendant) =				\$ 440.00
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED					

From: "Allen Lichtenstein" <allaw@lvcoxmail.com>
To: "Paula Newman" <paula.allaw@lvcoxmail.com>
Date: 04/28/2016 06:39:12 EDT
Subject: FW: Bryan and Hairr v. CCSD - MSJ Order
Attachments: image003.png (9KB)

Allen Lichtenstein
Attorney at Law, Ltd.
3315 Russell Road, No. 222
Las Vegas, NV 89120
(702) 433-2666 phone
(702) 433-9591 fax

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----- Begin forwarded message -----

Subject: Bryan and Hairr v. CCSD - MSJ Order
Date: 4/28/16 12:17:35 PM
From: "Horvath, Luz" <LHorvath@lrrc.com>
To: "Waite, Dan R." <DWaite@lrrc.com>
Cc: "Allen Lichtenstein" <allaw@lvcoxmail.com>, "John Scott" <John@scottlawfirm.net>

Dan, half the fees for recording and transcript are \$90.14. Thank you.

Luz Horvath

Legal Secretary

702.474.2649 office

(702) 216-6169 fax

lhovath@lrrc.com<mailto:lhovath@lrrc.com>

[cid:image003.png@01D1A147.F28A60C0]

Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169-5996

lrrc.com<<http://lrrc.com/>>

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Las Vegas, NV 89119
Tel: (702) 735-4402

3/15/2017 4:52:05 PM PST
Team Member: Michael S.
Customer: Laura Lichtenstein

SALE

A-Day 2 A-14-700018-	Qty 1	26.57
BW 1S on 24# Wht	186 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	26.57	
Regular Total	28.23	
Discounts	1.66	

B-Day 2 A-14-700018-	Qty 1	25.79
BW 1S on 24# Wht	160 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	25.79	
Regular Total	27.39	
Discounts	1.60	

C-Day 2 A-14-700018-	Qty 1	33.59
BW 1S on 24# Wht	220 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	
Price per piece	33.59	
Regular Total	35.79	
Discounts	2.20	

Sub-Total	85.95
Tax	7.00
Deposit	0.00
Total	92.95

Duplex
FedExOffice 

FedEx Office is your destination
for printing and shipping.

5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

3/28/2016 2:37:15 PM PST
Team Member: Michael S.

SALE

Auto Scan-To-PDF	71 @	0.4900 T
002862 Reg. Price	0.89	
Regular Total	63.19	
Discounts	28.40	
Total	34.79	

Sub-Total	34.79
Tax	2.84
Deposit	0.00
Total	37.63
MasterCard (S)	37.63
Account: 8461	
Auth: 51760P (A)	

Total Tender	37.63
Change Due	0.00

001526

Bryan-Ham ✓



Bryan CSD discover

FedEx Office is your destination for printing and shipping.

5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

10/23/2015 1:55:53 PM PST
Team Member: Lester M.

SALE

CD Burn - Add'l	1 @	9.9900 T
003025 Reg. Price	9.99	
Regular Total	9.99	
Discounts	0.00	
Total	9.99	

Sub-Total	9.99
Tax	0.81
Deposit	0.00
Total	10.80

MasterCard (S)
Account: 8461
Auth: 91125P (A)

Total Tender	10.80
Change Due	0.00



FedEx Office is your destination for printing and shipping.

5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

3/16/2017 1:57:17 PM PST
Team Member: Dustin D.
Customer: Laura Lichtenstein

SALE

Quick Order	Qty 1	31.64
BW 1S on 24# Wht	205 @	0.1300 T
000330 Reg. Price	0.14	
Coil Mixed Covers	1 @	4.9900 T
000887 Reg. Price	4.99	

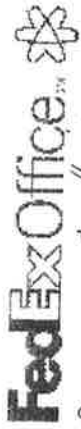
Price per piece	31.64
Regular Total	33.69
Discounts	2.05

Sub-Total	31.64
Tax	2.58
Deposit	0.00
Total	34.22

MasterCard (S)
Account: 8461
Auth: 63686P (A)

Total Tender	34.22
Change Due	0.00

001526



Bryan & Aaron

FedEx Office is your destination for printing and shipping.

5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

4/1/2016 7:50:52 PM PST
Team Member: Michael S.

SALE

Auto Scan-To-PDF	80 @	0.4900 T
002862 Reg. Price	0.89	
Regular Total	71.20	
Discounts	32.00	
Total	39.20	

Sub-Total	39.20
Tax	3.19
Deposit	0.00
Total	42.39

Visa (S)
Account: 5130
Auth: 06310B (A)

Total Tender	42.39
Change Due	0.00

001526

001526

001527

001527

Office DEPOT OfficeMax

OFFICE DEPOT STORE #2715
5915 S. EASTERN AVE.
LAS VEGAS NV 89119
(702) 736-1427

11/09/2016 16.8.2 5:25 PM
STR 2715 REG 1 TRN 796 EMP 745904

Product ID	Description	Total
998112	INDEX, READY, 1-	
5 @ 5.79		28.95
You Pay		28.95SS
Subtotal:		28.95
Sales Tax:		2.36
Total:		31.31
MasterCard 8461:		31.31

AUTH CODE 76832P
TDS Chip Read
AID A0000000041010 MasterCard
TVR 0800008000
CVS No Signature Required

ALLEN LICHTENSTEIN ATTORNEY A 332610198
Please create your online rewards
account at officedepot.com/rewards.
You must complete your account to
claim your rewards and view your
status.
Shop online at www.officedepot.com

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5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

11/9/2016 5:33:06 PM PST
Team Member: Lester M.
Customer: Allen Lichtenstein

Design Paper/Sheet -25 @ 0.2500 T
000700 Reg. Price 0.25
Returned Item

Sub-Total (6.25)
Tax (0.51)
Deposit 0.00
Total (6.76)
MasterCard (S) (6.76)
Account: 8461
Auth: SysAuthCode (A)

Total Tender (6.76)
Change Due 0.00



* 1 3 0 1 0 0 3 3 4 9 5 *

FedEx Office

FedEx Office is your destination
for printing and shipping.

5775 S Eastern Ave
Las Vegas, NV 89119
Tel: (702) 735-4402

11/9/2016 4:45:03 PM PST
Team Member: Lester M.

SALE

Design Paper/Sheet 25 @ 0.2500 T
000700 Reg. Price 0.25
BndrEcoVw.5inWht 10t 5 @ 2.9900 T
004413 Reg. Price 2.99

Regular Total 21.20
Discounts 0.00
Total 21.20

Sub-Total 21.20
Tax 1.73
Deposit 0.00
Total 22.93

MasterCard (S) 22.93
Account: 8461
Auth: 88628P (A)

Total Tender 22.93
Change Due 0.00

Total Discounts 0.00

**TRANSCRIBER'S BILLING INFORMATION
DISTRICT COURT XXVII**

DATE OF INVOICE: 8/22/14

CASE #	A700018		
CASE NAME:	Mary Bryan vs. Clark County School District, et al		
HEARING DATE:	8/21/14		
DEPARTMENT #	DISTRICT COURT 27		
ORDERED BY:	Allen Lichtenstein, Esq.		
FIRM:			
EMAIL:	allaw@lvcoxmail.com		
COURT RECORDER: Traci Rawlinson			
PHONE NUMBER: 702-671-0883			
PAYABLE TO:	Make check payable to: Clark County Treasurer County Tax ID#: 88-6000028 Include case number on check <u>Mailing Address:</u> Regional Justice Center Fiscal Services Attn: Kim Ockey 200 Lewis Ave. Las Vegas, NV 89155		
BILL AMOUNT:		CDs @ \$25 each =	\$
	1	hours @ \$30 an hour recording fee =	\$ 30
	4	pages @ \$ 7.50 per page of trans.	\$ 30
	TOTAL		\$ 60
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:		
BILL AMOUNT:		pages @	\$ per page of trans \$
DATE PAID:			
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED			

001529



EAST LAS VEGAS BR
LAS VEGAS, Nevada
891219995

3148830009-0098
06/18/2015 (800)275-8777 03:29:05 PM

Sales Receipt		
Product Description	Sale Unit Price	Final Price
Zone-7		
Priority Mail 3-Day		
Flat Rate Env		
1 lb. 8.20 oz.		
Expected Delivery: Mon 06/22/15		
USPS Tracking #: 9114 9999 4431 4835 6172 01		
Includes up to \$50 insurance		
		\$5.75

06/18/2015 (800)275-8777 03:29:05 PM

Zone-7
Priority Mail 3-Day
Flat Rate Env
1 lb. 8.20 oz.
Expected Delivery: Mon 06/22/15
USPS Tracking #: 9114 9999 4431 4835 6172 01
Includes up to \$50 insurance

Issue Postage: \$5.75

Total: \$5.75

Paid by: MasterCard
Account #: XXXXXXXXXXXX8461
Approval #: 39281P
Transaction #: 169
23903170041

For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to
usps.com/ship/file-domestic-claims.htm

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to
usps.com/clicknship to print shipping labels with postage. For other information call
1-800-ASK-USPS.

Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at

Super-Hair

EAST LAS VEGAS BR
LAS VEGAS, Nevada
891219995

3148830009-0099
06/22/2015 (800)275-8777 04:43:04 PM

Sales Receipt		
Product Description	Sale Unit Price	Final Price
Zone-7		
Priority Mail 1-Day By Weight		
1 lb. 6.50 oz.		
Expected Delivery: Tue 06/23/15		
USPS Tracking #: 9114 9999 4431 4845 6193 49		
Includes up to \$50 insurance		
		\$5.95

Zone-7
Priority Mail 1-Day By Weight
1 lb. 6.50 oz.
Expected Delivery: Tue 06/23/15
USPS Tracking #: 9114 9999 4431 4845 6193 49
Includes up to \$50 insurance

Issue Postage: \$5.95

Total: \$5.95

Paid by: MasterCard
Account #: XXXXXXXXXXXX8461
Approval #: 92101P
Transaction #: 672
23903170041

For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to
usps.com/ship/file-domestic-claims.htm

Order stamps at usps.com/shop or

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for printing and shipping.

395 Hughes Center Dr
Las Vegas, NV 89169
Tel: (702) 951-2400

6/19/2015 4:07:21 PM PST
Team Member: Hiroko Y.

SALE

002062 Reg. Price 200 @ 0.2500 T
ClipIt Flash Btk 4GB 1 @ 8.9900 T
010935 Reg. Price 8.99

Regular Total 186.99
Discounts 128.00

Total 58.99

Sub-Total 58.99
Tax 4.78
Deposit 0.00

63.77

63.77

Visa (S)
Account: 5130
Auth: 08140B (A)

Total Tender 63.77
Change Due 0.00

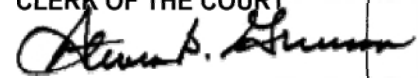
001529

001529

001529

37

37



MRTX

DANIEL F. POLSENBERG (SBN 2376)

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BBlakley@lrrc.com

*Attorneys for Defendants Clark County School
District (CCSD)*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARY BRYAN, mother of ETHAN
BRYAN; AIMEE HAIRR, mother of
NOLAN HAIRR,

Plaintiffs,

vs.

CLARK COUNTY SCHOOL
DISTRICT (CCSD); Principal Warren
P. McKay, in his individual and
official capacity as principal of GJHS;
Leonard DePiazza, in his individual
and official capacity as assistant
principal at GJHS; Cheryl Winn, in
her individual and official capacity as
Dean at GJHS; John Halpin, in his
individual and official capacity as
counselor at GJHS; Robert Beasley,
in his individual and official capacity
as instructor at GJHS,

Defendants.

Case No. A-14-700018-C

Dept. No. XXVII

**CCSD'S MOTION TO RETAX
MEMORANDUM OF COSTS
AND DISBURSEMENTS**

Date of Hearing:

Time of Hearing:

1 Defendant Clark County School District ("CCSD") move the Court to
 2 retax the costs requested by Plaintiffs in their "Verified Memorandum of
 3 Costs and Disbursements" filed on July 27, 2017, under NRS 18.110(4).

4 DATED this ~~31~~st day of July, 2017.

5 LEWIS ROCA ROTHGERBER CHRISTIE LLP

6
 7 By: 

8 DANIEL F. POLSENBERG (SBN 2376)

9 DAN R. WAITE (SBN 4078)

10 BRIAN D. BLAKLEY (SBN 13074)

11 3993 Howard Hughes Parkway, Suite 600

12 Las Vegas, Nevada 89169

13 *Attorneys for Defendants*

14 NOTICE OF MOTION

15 PLEASE TAKE NOTICE that the undersigned will bring the foregoing
 16 motion for hearing before the Court on the 6th day of September,
 17 2017, at 9:00 AM .m., in Department XXVII of the Eighth Judicial District
 18 Court, 200 Lewis Avenue, Las Vegas, Nevada 89155.

Lewis Roca
 ROTHGERBER CHRISTIE

3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

MEMORANDUM OF POINTS AND AUTHORITIES

On July 27, 2017, plaintiffs filed their Verified Memorandum of Costs and Disbursements (“Memo of Costs”) seeking \$24,832.90. This motion seeks to retax and disallow all but \$12,511.92.

“[D]istrict courts [have] wide, but not unlimited, discretion to award costs to prevailing parties.” *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. Adv. Op. 15, 345 P.3d 1049, 1054 (2015). Indeed, “statutes permitting the recovery of costs are to be strictly construed because they are in derogation of the common law.” *Bobby Berosini, Ltd. v. PETA*, 114 Nev. 1348, 971 P.2d 383 (1998) (emphases added), citing *Gibellini v. Klindt*, 110 Nev. 1201, 1205, 885 P.2d 540, 543 (1994).

Awarded costs “must be reasonable, necessary, and actually incurred.” *Cadle*, 345 P.3d at 1054. And, the prevailing party bears the burden to demonstrate how the costs were reasonable, necessary and actually incurred; not just state (in counsel’s declaration) that the costs were reasonable and necessary, etc. *Id.* (“The affidavit of counsel *told* the court that the costs were reasonable and necessary, but it did not ‘*demonstrate* how such fees were necessary to and incurred in the present action.”) (emphasis in original) (quoting *Berosini*, 114 Nev. at 1352-53, 971 P.2d at 386); *accord*, *Gilman v. Nev. State Bd. of Veterinary Med. Examiners*, 130 Nev. Adv. Op. 27, 89 P.3d 1000, 1007 (2004).

NRS 18.005 defines the costs that may be recovered by a prevailing party. Plaintiffs’ Memo of Costs includes items that are not recoverable.

A. In One Instance, Plaintiffs Are Entitled To More Than They Seek

In searching for what is right and fair, a party may determine their opponent is actually entitled to more than they seek. Here, rather than

1 remaining silent and capitalizing on plaintiffs' presumed mistake, CCSD
2 brings that mistake to the Court's and plaintiffs' attention.

3 More specifically, the Memo of Cost identifies "4/21/2016 Efile
4 transactions for Mary Bryan—04/30/2014-04/21/2016 (Lichtenstein) 270.00."
5 However, the supporting documentation identifies a total of \$280.50 for Mary
6 Bryan's efile charges. CCSD has no objection to this increased (\$280.50) cost.

7 Indeed, it appears the Memo of Costs completely misses efile charges
8 on behalf of Aimee Hairr in the amount of \$30.00. CCSD has no objection to
9 this missing (\$30.00) cost.

10 **B. Plaintiffs' Numerous Requests For In-House "Copies And**
11 **Faxes" Cannot Be Awarded Because There Is No**
12 **Supporting Documentation**

13 NRS 18.005(11) and (12) authorize the recovery of reasonable costs for
14 faxes and photocopies. However, a party must demonstrate its "actual costs."
15 *See Gibellini*, 110 Nev. at 1206, 885 P.2d at 543. Indeed, the law is very
16 specific about the *minimum* standard of evidence required to justify
17 photocopy charges—the prevailing party must "provide sufficient justifying
18 documentation beyond the date of each photocopy and the total photocopying
charge." *Berosini*, 114 Nev. at 1353, 971 P.2d at 386 (emphases added).

19 Here, plaintiffs' Memo of Costs includes the following:

20	Copies and faxes made in office 06/01/2015-06/30/2015	\$27.20
21	Copies and faxes made in office 08/01/2015-08/31/2015	\$4.00
22	Copies and faxes made in office 11/01/2015-11/30/2015	\$210.40
23	Copies and faxes made in office 01/01/2016-01/31/2016	\$190.60
24	Copies and faxes made in office 02/01/2016-02/29/2016	\$67.40
25	Copies and faxes made in office 08/01/2016-08/31/2016	\$6.40
26	Copies and faxes made in office 10/01/2016-10/31/2016	\$51.80
	Copies and faxes made in office 12/01/2016-12/31/2016	\$182.80
	Copies and faxes made in office 03/01/2017-03/31/2017	\$23.60
	Copies and faxes made in office 05/01/2017-05/31/2017	\$44.40

		\$808.60

27 Although plaintiffs seek more than \$800.00 in copy charges, they (1)
28 fail to attach *any* supporting documentation for these charges, (2) fail to

1 identify how many copies the charges represent, (3) fail to identify the per-
 2 page copy charge, and (4) fail to identify the date of each copy. *See Berosini*,
 3 110 Nev. at 1206, 885 P.2d at 386. Additionally, the Memo of Costs fails to
 4 “substantiat[e] the reason for each copy.” *Cadle*, 345 P.3d at 1054.

5 In *Village Builders 96, LP v. U.S. Laboratories, Inc.*, 121 Nev. 261, 112
 6 P.3d 1082 (2005), the Court reversed an award of photocopy costs and stated:

7 Here, U.S. Labs contends that submission of an itemization is
 8 sufficient because “the costs claimed here do not require
 9 additional documentation to justify their reasonableness.” U.S.
 10 Labs argues further that “[t]hose moving for costs should not be
 11 required to provide justifying documentation for each copy
 12 made . . . to substantiate the reason for the copy . . . when the
overall amount is obviously reasonable.” This argument is
unpersuasive because such documentation is precisely what is
required under Nevada law to ensure that the costs awarded
are only those costs actually incurred.

13 121 Nev. at 1093, 112 P.3d at 277-78 (emphasis added).

14 Plaintiffs’ lack of information and complete failure to provide any
 15 supporting documentation for the “made in office” copy charges is fatal.
 16 Indeed, “[b]ecause the district court lack[s] documentation, there is no way
 17 [the court can] determine[] whether the cost [is] reasonable or necessary.”
 18 *Cadle*, 345 P.3d at 1055; *accord*, *Berosini*, 114 Nev. at 1353, 971 P.2d at 386
 19 (it is an abuse of the court’s discretion to award costs that lack “sufficient
 20 supporting documentation”). Plaintiffs’ request for an award of \$808.60 for
 21 “in office” photocopy charges must be disallowed.

22 **C. Plaintiffs Cannot Recover Additional Costs Of \$6,063**
 23 **Without Any Supporting Documentation**

24 Plaintiffs request an additional \$6,063.51 without any supporting
 25 documentation. More specifically, the Memo of Costs identifies the following
 26 costs for which there is no supporting documentation:

27 5/13/2015 Federal Express shipment to Allen Lichtenstein	\$41.74
28 11/2/2015 Deposition of Warren McKay	\$1,534.68
Deposition transcript of Warren McKay	\$877.98
11/3/2015 Deposition of Cheryl Winn	\$1,590.00

1	Deposition transcript of Cheryl Winn	\$928.73
2	Meal during travel to LV for depo (Arawan Thai Bistro)	\$25.51
3	Meal during travel to LV for depo (Gandhi India Cuis.)	\$25.84
4	11/16/2015 Deposition of Deanna Wright	\$603.42
5	Deposition transcript of Deanna Wright	\$416.15
6	Wright depo transcript	\$19.46
7		-----
8		\$6,063.51

9 None of the foregoing charges are supported with any documentation.

10 Plaintiffs therefore fail to demonstrate the costs were reasonable, necessary,

11 or actually incurred. That is, even though “[t]he affidavit of counsel *told* the

12 court that the costs were reasonable and necessary, . . . it did not

13 ‘*demonstrate* how such fees were necessary to and incurred in the present

14 action.’” *Cadle*, 345 P.3d at 1054 (emphasis in original). Without supporting

15 documentation demonstrating both the existence of the charge and an

16 explanation regarding its purpose, “there is no way [the court can]

17 determine[] whether the cost was reasonable or necessary.” *Id.* at 1055. And,

18 “[w]ithout evidence to determine whether a cost was reasonable and

19 necessary, a district court may not award costs.” *Id.* at 1054 (citing *Berosini*,

20 114 Nev. at 1353, 971 P.2d at 386).

21 In short, the undocumented costs amounting to \$6,063.51 must be

22 retaxed and disallowed.

23 **D. Plaintiffs Cannot Recover A \$4,000 Cost When The**

24 **Supporting Documentation Evidences Only \$2,000**

25 Plaintiffs’ Memo of Costs reflects: “11/28/2016 Court reporter deposit

26 and service (Kimberly Lawson Karr Reporting Inv #11/28/2016)]. 4000.00.”

27 However, the supporting documentation consists of a single invoice for

28 \$2,000.00. CCSD does not seek to retax the documented charge of \$2,000.00;

however, CCSD cannot be assessed an additional \$2,000 without additional

supporting documentation.

Indeed, plaintiff will not be able to provide supporting documentation

for the additional \$2,000.00 because CCSD paid that balance. As the

1 court reporter stated in an email to the undersigned: "the total amount will
2 be around \$4,000 and I've split that between the two parties." (Ex. A,
3 attached hereto, emphasis added). Indeed, as further noted by the court
4 reporter: "I was told the Plaintiff and Defendant will be splitting the amount"
5 (*id.*), and CCSD paid its \$2,000 share (*id.*).

6 Thus, the foregoing charge of \$4,000.00 must be retaxed and allowed to
7 the extent of \$2,000.00 only.

8 **E. Plaintiff Cannot Recover For Out-of-State Counsel's**
9 **Travel and Other Expenses**

10 Normally, when a client is represented by both out-of-state and local
11 counsel, the client's pre-existing relationship is with out-of-state counsel, who
12 then must retain local counsel. Such is not the case here.

13 Plaintiffs first had a relationship with Mr. Allen Lichtenstein, who filed
14 the complaint on April 29, 2014. Mr. Lichtenstein is a litigator who has
15 actively practiced in Nevada for 27 years. Mr. Lichtenstein even has the
16 professional distinction of having argued a case before the United States
17 Supreme Court. *See Domino's Pizza, Inc. v. McDonald*, 546 U.S. 470 (2006).

18 Mr. Lichtenstein litigated the present case for more than 14 months
19 before Mr. John Scott, who is licensed and lives in California, came into the
20 case. Plaintiffs were, of course, free to reach beyond Nevada's borders to hire
21 Mr. Scott as their co-counsel. However, such does not mean that CCSD
22 should be required to pay the costs necessitated by that choice, especially
23 since Clark County has numerous capable lawyers who could have assisted
24 Mr. Lichtenstein. In short, there's been no showing that retaining counsel
25 from California to assist Mr. Lichtenstein was reasonable or necessary.

26 Several cases have spoken to this issue, although not in Nevada. Here
27 are a few:

28 1. *Atlantic States Legal Foundation v. Universal Tool & Stamping*
Co., 798 F. Supp. 522, 529 (N.D. Ind. 1992):

The defendant's last objection is to \$10,573.73 in travel expenses incurred by the plaintiff's attorneys. The defendant states that this was also an unnecessary expense because the plaintiff did not need out-of-town counsel, and the expenses should therefore be disallowed as excessive. As previously stated, expenses will only be awarded if they are reasonable. . . . [S]imply because Atlantic States chose to use an attorney from New York does not mean that the defendant must pay for the extra cost of transporting that attorney back and forth from the relevant forum.

2. *Coalition to Save Our Children v. State Bd. of Educ. of State of Delaware*, 901 F. Supp. 824, 834 (D. Del. 1995) (internal citations omitted):

Finally, Cravath requests reimbursement of \$7,101.72 for travel expenses. . . . Red Clay objects to reimbursement of these costs because it does not believe it should be penalized for plaintiff's choice of out-of-town counsel. . . . [H]ere, the Coalition to Save Our Children has not established that it could not retain local counsel, as all the defendants have done, to litigate its case. . . . [W]hile a party does have the right to retain its counsel of choice, if a party elects to have representation from outside the state when adequate representation could have been retained locally, said party cannot shift that additional cost to its opposing party. . . . [T]he court will not order Red Clay to pay for the travel expenses (train fare, hotel, etc.) which would not otherwise have been incurred if counsel had been from this jurisdiction. Therefore, no compensation for travel costs shall be awarded.

3. *Aevoe Corp. v. AE Tech Co.*, 2013 WL 5324787, *6 (D. Nev. Sept. 20, 2013) (internal citations omitted):

With respect to long-distance travel for out-of-state attorneys, courts generally do not allow fees for such time absent a showing that recovering for travel time is customary in the particular facts of the case.

4. *Hahnemann Univ. Hosp. v. All Shore, Inc.*, 514 F3d 300, 312 (3d Cir. 2008) (internal citations omitted):

We have stated that under normal circumstances, a party that hires counsel from outside of the forum of the litigation may not be compensated for travel time, travel costs

////

5. *Harvey v. Mohammed*, 951 F. Supp.2d 47, 71 (D. D.C. 2013):

Additionally, as with travel, lodging costs for out-of-town counsel are not reimbursable absent a showing that local counsel could not have done the work.

Here, the Memo of Costs lists several charges incurred solely because plaintiffs decided to retain out-of-state counsel to assist their seasoned local counsel, Mr. Lichtenstein, including the following:

5/12/2015 Association of Counsel application fee	\$550.00
5/13/2015 Fed Ex shipment to Allen Lichtenstein	\$41.74
11/2/2015 Travel from Santa Ana to LV to San Francisco	\$209.20
11/2/2015 Meals during travel to LV (Sicilian Ristorante)	\$126.48
11/3/2015 Taxi in San Fran. (Thanh Ngoc)	\$52.00
11/3/2015 Meals during travel to LV (Arawan Thai Bistro)	\$25.51
11/3/2015 Meals during travel to LV (Gandhi India Cuisine)	\$25.84
1/24/2016 Travel from New Orleans to LV	\$221.23
1/28/2016 Travel from LV to San Francisco	\$114.60
3/17/2016 Fed Ex shipment to Allen Lichtenstein	\$32.49 ¹
11/9/2016 Fed Ex shipment to Allen Lichtenstein	\$115.11
[undated] Association of Counsel renewal fee	\$500.00

	\$2,014.20

These travel-related costs are not recoverable for a variety of reasons. The meals do not reflect who or how many were involved. For example, regarding the meal on November 2, 2015 at the Sicilian Ristorante in the amount of \$126.48, was such for one person or more, and who was involved (and, if for only one person, why was the meal nearly *five times more expensive* than each of the two meals the next day)? These important (but missing) details are needed to evaluate the reasonableness and necessity of the charge.

Additionally, while plaintiffs were free to associate counsel who was not licensed in Nevada to assist the veteran Mr. Lichtenstein, CCSD should not be required to pay for his initial and renewal *pro hac vice* admission fees in

¹ In addition to the reasons set forth herein, this charge should be disallowed because the supporting documentation indicates the \$32.49 is an "estimated" shipping charge. Thus, the supporting documentation fails to demonstrate the charge was actually incurred, as is plaintiffs' burden.

1 the combined amount of \$1,050.00. Further, regarding the FedEx charges, no
 2 explanation is given regarding what was shipped to Mr. Lichtenstein, the
 3 purpose, or why such could not have been scanned and sent electronically or
 4 placed on a thumb drive and shipped for a fraction of the cost. Without this
 5 information, it is impossible to determine whether the charges are reasonable
 6 and necessary. *See Entertainment Concepts, III, Inc. v. Maciejewski*, 514 F.
 7 Supp. 1378, 1382 (N.D. Ill. 1981) (disallowing costs for “hotel expenses, air
 8 travel, air freight, parking, and plane fare” for out-of-state counsel).

9 And, some of the air fare charges are doubly troubling—not only should
 10 CCSD not be required to pay for out-of-state counsel’s travel cost, but it
 11 appears out-of-state counsel “paid” for the air fare by redeeming frequent
 12 flyer points. In other words, no documentation exists to support the amount
 13 requested. More specifically, plaintiffs’ supporting documentation
 14 demonstrate that the charge on 11/2/2015 for “Roundtrip travel to from SNA
 15 to LAS to SFO 209.20” and the charge on 1/28/2016 for “Travel from
 16 LAS to SFO 114.60” were “paid” with “Rapid Rewards Points” (except,
 17 each of the trips did incur an actual charge of \$5.60 for “September 11th
 18 Security Fee”). There is no documentation to demonstrate how the submitted
 19 figures were determined.

20 Further, there is no explanation why a taxi ride in San Francisco on
 21 11/3/2015 in the amount of \$52.00 was reasonable or necessary. No
 22 depositions occurred in San Francisco. In fact, nothing in this case occurred
 23 in San Francisco, except that is where Mr. Scott works and presumably
 24 resides. The supporting documentation does not identify who rode in the
 25 taxi, the purpose, or the where the ride began and ended.

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27 ////

28 ////

1 Similarly, there is no explanation why one of the air trips originated in
2 New Orleans and another in Santa Ana, or why the charges were reasonable
3 or necessary.² Nothing in this case occurred in New Orleans or Santa Ana.

4 Finally, two meal charges on 11/3/2015 (to Arawan Thai Bistro in the
5 amount of \$25.51 and to Gandhi India Cuisine in the amount of \$25.84) are
6 discussed in Section E, *supra*, wherein CCSD points out those charges should
7 be disallowed because there is absolutely no documentation to support the
8 costs—i.e., no receipt or anything. Thus, the court could disallow those
9 expenses for either or both reasons that (1) they are not documented, and/or
10 (2) they are meals at Las Vegas restaurants necessitated presumably because
11 of out-of-state counsel's travel. CCSD candidly acknowledges that, if
12 disallowed, these meal charges should be deducted only once.

13 For the foregoing reasons, *all* travel expenses in the amount of
14 \$2,014.20 associated with out-of-state counsel's travel should be retaxed and
15 disallowed (or, if the two meal charges discussed in the preceding paragraph
16 have already been disallowed, the amount disallowed here should be
17 \$1,962.85).

18 **F. CCSD Cannot Be Required To Pay Plaintiffs' Cost To** 19 **Serve The NERC**

20 The Memo of Costs reflects its first cost as follows: "5/19/2014
21 Messenger service to Attorney General (ACLU) 116.88." The supporting
22 documentation consists of two invoices from Reno/Carson Messenger
23 Services, Inc., demonstrating service of the summons and complaint upon (1)
24 the Nevada Equal Rights Commission (NERC), and (2) its Commission

25 ² The supporting documentation for the New Orleans charge shows a trip that went from San
26 Francisco to New Orleans and then from New Orleans to Las Vegas. The total cost for this trip was
27 apparently \$442.46 as demonstrated on the "Cost and Payment Summary" from Southwest Airlines.
28 However, someone wrote on that page "2 = \$221.23" and it is the \$221.23 that plaintiffs submit for
reimbursement on the Memo of Costs. However, in addition to all the reasons set forth herein as to
why travel expenses are not recoverable costs here, there is also no explanation regarding why it was
reasonable to simply split the cost in half, as if the cost of a flight between San Francisco and New
Orleans is the same as a flight between Las Vegas and New Orleans, even though the New Orleans-
Las Vegas flight is more than 400 miles *shorter* than the New Orleans-San Francisco flight.

1 Administrator, Kara Jenkins. Under the original complaint, the NERC and
 2 Ms. Jenkins were defendants. However, less than six months later when
 3 plaintiffs filed their First Amended Complaint, they dropped the NERC, Ms.
 4 Jenkins and others from the action.

5 Clearly, plaintiffs did not prevail against the NERC or Ms. Jenkins
 6 and, in any event, CCSD cannot be compelled to pay plaintiffs' cost to serve
 7 the NERC and Ms. Jenkins. Thus, the cost for \$116.88 must be retaxed and
 8 disallowed.

9 **G. Plaintiffs Cannot Recover For Office Overhead Expenses**

10 The Memo of Costs identifies several charges that should be part of a
 11 law practice's general office overhead. However, "routine office overhead" is
 12 not a taxable cost. *See Bergmann v. Boyce*, 109 Nev. 670, 681, 856 P.2d 560,
 13 567 (1993).

14 More specifically, plaintiffs seek reimbursement for the following:

15	10/23/2015 Discovery CD	\$10.80
16	03/28/2016 Documents scanned to PDF	\$37.83 ³
17	04/01/2016 Documents scanned to PDF	\$42.39
18	11/09/2016 Binders and tabs for trial	\$47.48
19	03/15/2017 Copies and binding	\$92.95
20	03/16/2017 Copies and binding	\$34.92
21		-----
22		\$266.37

23 There is no reason (no reasonable reason) why Mr. Lichtenstein would
 24 have to go to a vendor like Fed Ex Office to scan documents to PDF. If a law
 25 office in this day and age does not have that basic capability, the cost of
 26 counsel's failure to obtain such should not be shifted to the opposing party.
 27 In short, Mr. Lichtenstein is free to office out of his home and he is further
 28 free to not stock his home office with basic technology. However, even though
 Mr. Lichtenstein's business choices force him to run to the office supply store
 to scan documents (where he apparently pays \$0.49 per scanned page), CCSD

³ This charge is listed on the Memo of Costs as \$37.83 but the receipt is for \$37.63.

1 should not have to pay what is for every other law firm a normal office
 2 overhead expense. Indeed, the supporting documentation demonstrate that
 3 plaintiffs seek not only to shift a normal office overhead expense to CCSD,
 4 but the sales tax on such as well.

5 Additionally, binders and tabs are utilitarian and can be re-used for
 6 another case. They are a luxury at best and a reusable resource at worst. In
 7 either case, the cost should be retaxed and disallowed.

8 **H. Plaintiffs Cannot Recover Unexplained Expenses**

9 The Memo of Costs includes several costs that are not explained,
 10 including the following:

11	6/18/2015 Mailing disclosures	\$5.75
12	6/19/2015 Printing disclosures	\$63.77
12	6/22/2015 Mailing disclosures	\$5.95
13		-----
13		\$75.47

14 Beyond the foregoing bare description, the charges are not explained
 15 regarding what they were for, or why they were reasonable and necessary.
 16 Furthermore, the documentation supporting these charges raise more
 17 questions. For example, the first charge (\$5.75) is apparently for a mailing to
 18 Rockford, Illinois. Yet, Rockford, Illinois has nothing to do with this case and
 19 may be associated with one of counsel's other cases. Additionally, the second
 20 charge (\$63.77) is for scanning more documents to PDF (a general office
 21 overhead expense) and for a flash drive that can be reused.

22 These charges should be retaxed and disallowed.

23 **I. Plaintiffs Cannot Recover Duplicate Expenses**

24 NRS 18.005(2) authorizes reimbursement of "a reporter's fee for one
 25 copy of each deposition." (Emphasis added). Several items reflected on the
 26 Memo of Costs appear to be duplicative and/or unnecessary—regardless, they
 27 are unexplained regarding why the charges are reasonable and necessary,
 28 including the following:

1 1. Deposition of Deanna Wright: The Memo of Costs reflects a
 2 cost of \$51.00 for "11/9/2016 Depo transcript of Deanna Wright . . ." and there
 3 is supporting documentation for this charge. However, plaintiffs also seek
 4 *undocumented* expenses of (a) \$603.42 for "11/16/2015 Deposition of Deanna
 5 Wright (Depo International Inv #23637)," (b) \$416.15 for "Deposition
 6 transcript of Deanna Wright (Depo International Inv #23662)," and (c) \$19.46
 7 for "Wright deposition transcript." These *four charges* associated with Ms.
 8 Wright's *one* deposition are unexplained (and no supporting documentation is
 9 provided for three of the charges).

10 2. Deposition of Warren McKay: The Memo of Costs reflects a
 11 charge of \$137.00 for a deposition transcript and there is supporting
 12 documentation for this charge. However, plaintiffs also seek *undocumented*
 13 expenses of (a) \$1,534.68 for "11/2/2015 Deposition of Warren McKay (Depo
 14 International Inv #23223)," and (b) \$877.98 for "Deposition transcript of
 15 Warren McKay (Depo International Inv #23293) 877.98." These additional
 16 charges associated with Warren McKay's one deposition are unexplained and
 17 undocumented.

18 3. Deposition of Cheryl Winn: The Memo of Costs reflects a
 19 charge of \$151.00 for a deposition transcript and there is supporting
 20 documentation for this charge. However, plaintiffs also seek *undocumented*
 21 expenses of (a) \$1,590.00 for "11/3/2015 Deposition of Cheryl Winn (Depo
 22 International Inv #23637), and (b) \$928.73 for "Deposition transcript of
 23 Cheryl Winn (Depo International Inv #23293." As there was only one
 24 deposition of Ms. Winn, the duplicate charges must be disallowed.

25 4. Deposition of Robert Beasley: The Memo of Costs reflects a
 26 charge of \$533.00 for Robert Beasley's one deposition and there is supporting
 27 documentation for this charge (CCSD does not seek to retax this charge).
 28 Indeed, the documentation reflects the charge is for an "original & one

1 certified transcript.” However, there is another charge of \$46.00 and the
 2 supporting documentation states it is for an “original transcript Robert
 3 Beasley.” No explanation is given regarding this seemingly duplicative
 4 \$46.00 charge.

5 5. Deposition of Andre Long: The Memo of Costs reflects a
 6 charge of \$947.50 for the 1/28/2016 deposition of Andre Long and there is
 7 supporting documentation for this charge (CCSD does not seek to retax this
 8 charge). Indeed, the supporting documentation indicates this charge is for an
 9 “original & one electronic certified transcript Andre Joseph Long.” However,
 10 plaintiffs also seek reimbursement of \$556.83 for “1/28/2016 Deposition
 11 transcript for Andre Joseph Long (Depo International Inv #24902).” As with
 12 the others, there is no explanation for this seemingly duplicative charge.

13 **J. Plaintiffs Cannot Recover Expenses Incurred And Paid By**
 14 **CCSD**

15 The Memo of Costs lists “4/20/2017 Efile transactions *for Clark County*
 16 *School District*—06/30/2014-04/20/2017 . . . 182.00.” (Emphasis added). As
 17 reflected in that notation and in the documentation plaintiffs provided, the
 18 efilings were made and paid by CCSD. In short, there is no documentation
 19 this \$182.00 charge was paid by plaintiffs. Plaintiffs cannot recover costs
 20 paid by CCSD.

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CONCLUSION

Based on the foregoing, plaintiffs' costs and disbursements should be retaxed and disallowed except the following items and amounts:

8/22/2014	Hearing transcript	\$60.00
12/22/2015	Deposition of Nolan Hairr	\$1,183.05
1/5/2016	Deposition of CL	\$372.80
1/6/2016	Deposition of Aimee Hairr	\$960.58
1/13/2016	Deposition of DM	\$379.30
1/21/2016	Deposition of Ethan Bryan	\$1,138.50
1/25/2016	Deposition of Leonard DePiazza	\$815.00
1/26/2016	Deposition of Robert Beasley	\$533.00
1/27/2016	Deposition of John Halpin	\$589.50
1/28/2016	Deposition of Andre Long	\$947.50
2/5/2016	Deposition of Mary Bryan	\$1,031.40
2/16/2016	Deposition of Heath Hairr	\$160.00
2/16/2016	Deposition of Gina Abbaduto	\$607.25
2/19/2016	Deposition of Asheesh Dewan	\$135.95
2/19/2016	Deposition of Edmond Faro	\$182.10
2/24/2016	Deposition of Dennis Moore	\$236.35
4/21/2016	Efile transactions for Mary Bryan	\$280.50
4/21/2016	Efile transactions for Aimee Hairr	\$30.00
4/29/2016	Lewis Roca transcript fee	\$90.14
11/9/2016	Depo transcript of Cheryl Winn	\$151.00
11/9/2016	Depo transcript of Warren McKay	\$137.00
11/9/2016	Depo transcript of Deanna Wright	\$51.00
11/15/2016	District Court transcript of trial	\$440.00
11/28/2016	Court reporter deposit and service	\$2,000.00

		\$12,511.92

DATED this 31st day of July, 2017.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: 

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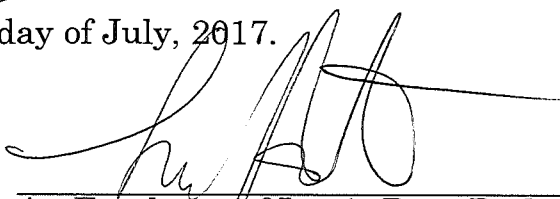
CERTIFICATE OF SERVICE

Pursuant to Nev.R.Civ. Rule 5(b), I certify that I am an employee of Lewis Roca Rothgerber Christie LLP, and that on this day, I caused a true and correct copy of *CCSD's Motion to Retax Memorandum of Costs and Disbursements* to be filed, via the Court's E-Filing System, DAP/Wiznet, and served on all interested parties via U.S. Mail, postage pre-paid.

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 Staci Pratt, Esq.
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(Admitted Pro Hac Vice)

DATED this 31st day of July, 2017.



An Employee of Lewis Roca Rothgerber Christie LLP

Exhibit A

001547

001547

Exhibit A

Horvath, Luz

From: karreporting@comcast.net
Sent: Monday, November 28, 2016 3:17 PM
To: Waite, Dan R.
Subject: Mary Bryan v CCSD - Case No. A700018
Attachments: Deposit140.pdf

Good afternoon,

I received a request for transcripts in the above-referenced case. I do require payment before beginning. I was told the Plaintiff and Defendant will be splitting the amount. I have attached a deposit invoice. I believe the total amount will be around \$4,000 and I've split that between the two parties. Please mail a check to the Colorado address below. Once payment is received, I will begin transcribing the trial.

Thank you,

Kim

<blockquote style="margin-right: 0px" dir="ltr">

<p align="left">**KARR REPORTING, INC.**

Kimberly Lawson

303-521-8060

25730 East Euclid Drive

Aurora, CO 80016

</font style="background-

color: #ffffff"></p align="left"></blockquote style="margin-right: 0px" dir="ltr">

DEPOSIT INVOICE

KIMBERLY LAWSON
KARR REPORTING, INC.
25730 East Euclid Drive
Aurora, CO 80016

Date 11/28/2016

CLIENT

DAN R. WAITE, ESQ.
Lewis Roca Rothgerber, Christie, LLC
3993 H. Hughes Pkwy
No. 600
Las Vegas, NV. 89169

Due Date 11/30/2016
Other

Description	Qty	Rate	Amount
*****DEPOSIT***** MARY BRYAN v CCSD CASE NO. A700018 DEPT NO. XXVII JUDGE: NANCY ALLF		2,000.00	2,000.00
		Subtotal	\$2,000.00
		Sales Tax (0.0%)	\$0.00
		Total	\$2,000.00

KIMBERLY LAWSON
karreporting@comcast.net
Tax ID No. 27-2346646

720-244-3978
Fax 720-524-7785

LEWIS ROCA ROTHGERBER CHRISTIE LLP

CHECK NO: 169955

REF #	INVOICE #	DATE	DESCRIPTION	AMOUNT PAID
712865	112816	11-28-16	147866-00008 Trial Transcript - DEPOSIT	2,000.00

CHECK DATE

11/30/16

Phoenix Op Acct #3317939274

Lewis Roca
 ROTHGERBER CHRISTIE

 201 E Washington Street-Suite 1200
 Phoenix, Arizona 85004-2595
 Telephone (602) 262-5311

CHECK NO: 169955

 WELLS FARGO
 Main Office
 Phoenix, Arizona

91-527/1221


CHECK AMOUNT

\$2,000.00

TWO THOUSAND AND 00/100 Dollars

 PAY
 TO THE
 ORDER OF

 Karr Reporting, Inc.
 Kimberly D. Lawson
 25730 East Euclid Drive
 Aurora, CO 80016



⑈169955⑈

⑆122105278⑆

⑈3317939274⑈

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