

Case No. 83557

In the Supreme Court of Nevada

CLARK COUNTY SCHOOL DISTRICT,
Appellant,

vs.

ETHAN BRYAN; and NOLAN HAIRR,
Respondents.

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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 11
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of June, 2022, I submitted the foregoing “Appellant’s Appendix” for filing *via* the Court’s eFlex electronic filing system. Electronic notification will be sent to the following:

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/s/ Cynthia Kelley
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1 20. These assumptions by Mr. Beasley and Mr. Halpin were incorrect. Moreover, by relying
2 on their assumptions, rather than adhering to the statutory requirement to report any information
3 concerning bullying they received, they both violated the explicit requirements of NRS
4 388.1351(1).

5 21. In response to the September 15, 2011 email, Mr. Beasley changed the seating
6 arrangements in the trombone section of his class. While before, Nolan had been sitting next to C,
7 after the change, Nolan set directly in front of C.

8 22. While Mr. Beasley attempted to keep an eye on both bullies and the bullied students, he
9 admitted that he was unable to constantly watch them and still teach his class.

10 23. Mr. Beasley said that he made the decisions concerning the seating arrangements on his
11 own without consultation with anyone else. This testimony conflicted with that of Dean Winn,
12 who stated that she was involved in the decision.

13 24. The bullying continued. For Ethan Bryan, at the beginning of the school year, most of the
14 taunts at him by C and D had to do with his size. He was large for his age and overweight.

15 25. After the incident where C stabbed Ethan's friend Nolan with a pencil, the bullying of
16 Ethan began to change. It not only escalated but also shifted from being mostly about his size and
17 weight to also involve homophobic slurs and vile and graphic innuendos concerning sexual
18 relations between Ethan and Nolan.

19 26. Like his friend Nolan, Ethan also chose not to report the bullying that he was enduring for
20 fear of retaliation, and lack of any real interest on the part of Greenspun school officials.

21 27. Mary Bryan, naïvely believing that the school would contact Nolan's parents after Mary
22 sent them the September 15, 2011 email about the stabbing of Nolan, did not directly inform
23 Nolan's parents herself.

24 **C. Aimee Hairr's September 22, 2011 phone conversation with Vice Principal**
25 **DePiazza and and September 23, 2011 phone call with Counselor Halpin.**

1 28. On or about September 21, 2011, while Mary Bryan and Nolan's mother Aimee Hairr were
2 at a birthday party for another of Mary's children, Mary casually asked Aimee about the school's
3 response to the September 15, 2011 email.
4

5 29. Aimee responded that she had received no communication from the school, and that she
6 had no knowledge or information about the bullying of her son occurring in Mr. Beasley's band
7 class.
8

9 30. After talking to Mary, Nolan's parents then confronted him about the bullying. Nolan
10 verified the veracity of the substance of the contents of the September 15, 2011 email. He also
11 admitted to the stabbing incident.

12 31. On September 22, 2011, Nolan's mother made several various phone calls in an attempt
13 to contact the school regarding the September 15, 2011 email about the stabbing of their son. They
14 left several messages for different school officials. Finally, Aimee Hairr was able to reach Vice
15 Principal DePiazza, and had a phone conversation with him in which she described the September
16 15, 2011 email, and the stabbing, including the comment by C that he did it to see if Nolan was a
17 girl.
18

19 32. Mr. DePiazza told Aimee Hairr that there were a few options for Nolan, all involving
20 Nolan either transferring out of band class into another class at Greenspun, or transferring out of
21 Greenspun to a different school entirely.

22 33. Aimee found these so-called solutions to be both inadequate and inappropriate because if
23 anyone were to be moved, it should be the perpetrator of the bullying who assaulted her son not
24 the victim, Nolan.
25

26 35. Vice Principal DePiazza denied that he ever had a phone conversation with Aimee Hairr.
27 According to his version of events, some time in either September or October 2011 (he could not
28 remember when) there was a meeting in his office attended by Aimee Hairr, Dean Cheryl Winn

1 and possibly Nolan Hairr. Mr. DePiazza claimed that while there was some generalized discussion
2 about the “situation” in the band room, nothing specific about the stabbing or the September 15,
3 2011 email was ever mentioned. Neither Aimee Hairr, Nolan Hairr nor Cheryl Winn corroborate
4 Mr. DePiazza’s version of events about this supposed meeting, or even that it took place.

5
6 36. On or about September 23, 2011, Mrs. Hairr received a return phone call from counselor
7 John Halpin. Aimee knew Mr. Halpin because she was his dental hygienist. Mr. Halpin told her he
8 had received this September 15, 2011 email and was aware of its contents. He said he had
9 previously spoken to Nolan and would do so again to make sure that Nolan made a formal
10 complaint about the stabbing to the Dean. He said he believed that Dean Winn knew about it, but
11 wanted to make sure.

12
13 37. Later that day, Nolan met with Mr. Halpin. Both agreed that the counselor wanted Nolan to
14 go to the Dean’s office to fill out an incident report. Mr. Halpin said that he accompanied Nolan to
15 Ms. Winn’s office, while Nolan said he was sent there and went by himself. Mr. Halpin also said
16 that since the Dean was not in the office, he left a message for Dean Winn with Harriet Clark, her
17 secretary, recounting the stabbing incident and the bullying. He gave that message to the Dean’s
18 secretary with instructions to relay that message to Dean Winn. The Dean did not report receiving
19 Mr Halpin’s message from her secretary.

20
21 38. Nolan, still trying to “tough it out” and not make more trouble for himself by complaining
22 and thereby risking further retaliation, left a bland and rather innocuous version of what he was
23 enduring in band class. He did not mention the stabbing nor the homophobic, sexually-oriented
24 slurs.

25 39. Dean Winn said she could not remember whether she met with Nolan on or after
26 September 22, 2011. Nolan said that no such meeting took place on or after September 22, 2011.
27 Aimee Hairr said she never had a meeting with Dean Winn.
28

1 40. Dean Winn said she did not learn of the stabbing incident until the following year,
2 February 2012.

3 **D. Mary Bryan's October 19, 2011 email to school officials and October 19, 2011**
4 **meeting with Dean Winn**

5 41. On or about October 19, 2011, Mary Bryan noticed that Ethan had come home from school
6 with scratches on his leg. When she confronted him about the scratches, he told her that at the end
7 of band class, while Mr. Beasley was out of the room, one of the bullies who was behind Ethan,
8 removed a rubber stopper out of a piece of his trombone and started hitting Ethan in the legs with
9 the remaining sharp piece of the instrument.

10
11 42. Upon questioning by his parents, Ethan also disclosed that C and D continued to make
12 lewd sexual comments including calling both Ethan and Nolan gay, faggots and other similar
13 names, and also talked about Ethan and Nolan jerking each other off and otherwise engaging in
14 gay sex with each other.

15 43. Ethan's parents, enraged that this was going on -- particularly after the September 15, 2011
16 email -- decided to confront school officials.

17
18 44. On October 19, 2011 Mary Bryant sent a second email addressed to Principal McKay, Mr.
19 Beasley, and Mr. Halpin describing the continuing bullying and also the hitting scratching of
20 Ethan's leg.

21 45. Mr. and Mrs. Bryan met with Dean Winn at the Dean's office on October 19, 2011. They
22 described the bullying endured by both Ethan and Nolan, specifically mentioning the physical
23 assaults as well as the vile homophobic slurs that both boys were subjected to by C and D. The
24 Bryans made it clear that they would not tolerate a continuation of this bullying.

25
26 46. Dean Winn denied the occurrence of this meeting. She also denied that she knew anything
27 about the, emails, the physical assaults and the homophobic slurs in October 2011. She said she
28 only learned of the October 19, 2011 e-mail the following year, in February 2012.

E. The October 19, 2011 Administrator's meeting where John Halpin informed Principal McKay and Vice Principal DePiazza of Mary Bryan's e-mails.

47. Mr. Halpin, who was a recipient of the October 19, 2011 email said he forwarded that email to Dean Winn to make sure she was aware of the situation. Dean Winn denied having received the October 19, 2011 email from Mr. Halpin.

48. Also on October 19, 2011, Mr. Halpin attended a weekly administrators meeting. Principal McKay and Vice Principal DePiazza were at that meeting. Dean Winn, who was a regular participant in those weekly meetings did not attend that day.

49. Mr. Halpin said that he reported on the bullying that was occurring in Mr. Beasley's band class in considerable detail. He also stated that everyone at that meeting knew about the two emails that had been sent by Mary Bryan. He also made it clear that the two assaults were perpetrated by the same two bullies against the same two bullied students. Mr. Halpin specifically recalled Principal McKay telling Vice Principal DePiazza to take care of the matter.

50. Dr. McKay stated his recollections from the October 19, 2011 administrators meeting differently. McKay recalled Mr. Halpin bringing up the subject of bullying in Mr. Beasley's class, but without mentioning many specifics. For reasons he did not disclose, McKay stated that he really was not interested in the details of such matters and left it to his subordinates to address the issue.

51. He stated that he told Mr. DePiazza and Mr. Halpin to handle the situation. McKay also stated that he subsequently did not ask the Vice Principal about how the investigation was going or what DePiazza had found out, until February 2012.

52. Principal McKay only took action in February 2012 because it was then that he was ordered by his supervisor at the district level and the Assistant Superintendent to investigate the bullying of Ethan and Nolan.

1 53. Vice Principal DePiazza stated a vague memory of the October 19, 2011 administrative
2 meeting. He recalled that there may have been some discussion about bullying but didn't really
3 remember much. His position was that he definitely did not remember being told by Dr. McKay to
4 conduct an investigation into the bullying reports on October 19, 2011.

5 54. Principal McKay stated that in 2011 while he never asked his Vice Principal about the
6 bullying investigation, he did, at some point, have a casual discussion with Dean Winn about the
7 matter. He asked her how the investigation was going. Dean Winn replied that she was having
8 trouble getting corroborating statements from other students.

9 55. Dean Winn's testimony contradicted the Principal's statements by claiming that she did
10 not undertake any investigation of the bullying because she was specifically told by Dr. McKay
11 that it was all being handled by Vice Principal DePiazza. Dr. McKay testified that Dean Winn told
12 him she was investigating by trying to get statements from other students.

13
14
15 **F. Although by October 19, 2011, all members of the Greenspun Junior High**
16 **School administration aware of, physical, and discriminatory bullying that Ethan and Nolan**
17 **were experiencing no investigation was conducted until February 2012, after both boys had**
18 **left the school.**

19 56. Although the school officials all pointed fingers at each other, the one thing that they all
20 agreed upon is that contrary to Nevada statutes, no investigation of the reports of bullying,
21 described in the September 15, 2011, and October 19, 2011 emails from Mary Bryan and the
22 September 22, 2011 phone conversation between Aimee Hairr and Vice Principal DePiazza, the
23 September 23, 2011 phone conversation between Aimee Hairr and Mr. Halpin, and the October
24 19, 2011 meeting between Mr. and Mrs. Bryan and Dean Winn, ever occurred in 2011.

25 57. Throughout the rest of 2011, the bullying of Ethan and Nolan by C and D continued out of
26 the sight of Mr. Beasley.

27 58. Ethan and Nolan continued to employ the strategy of trying to ignore the problem, feeling
28 that any further complaints would just lead to greater retaliation.

1 59. When Ethan and Nolan came back to Greenspun for the second semester, in January 2012,
2 their resolve began to waver. Each boy tried to avoid band class or even school altogether. Ethan
3 feigned illness, and even tried to make himself sick by eating cardboard. Nolan would hang out in
4 the library or in the halls. By the middle of January, both boys had essentially stopped going to
5 school in order to avoid further bullying.

6
7 60. In January 2012, Ethan Bryan was prevented from attempting to commit suicide by
8 drinking household chemicals, because of a fortuitous intervention from his mother. Ethan's
9 parents refused to send him back to Greenspun after that.

10 61. On or around January 21, 2012 Nolan had, what his mother described as something close
11 to a breakdown because of the bullying that he and others were enduring at Greenspun. Mrs. Hairr
12 decided to pull Nolan out of the school at that time. She also made a report to the police.

13
14 62. By early February 2012, both Ethan and Nolan had been removed from Greenspun Jr.
15 High School.

16 63. Subsequent to the removal of Ethan and Nolan from Greenspun, and also subsequent to the
17 filing of the police report, Principal McKay, on or about February 7, 2012, was contacted by
18 officials from the school district, specifically his direct supervisor Andre Long and the Assistant
19 Superintendent Jolene Wallace. He was ordered by Ms. Wallace to conduct an investigation into
20 the bullying of Ethan Bryan and Nolan Hairr.

21
22 64. Because he was ordered by his superiors to investigate, Principal McKay directed Vice
23 Principal DePiazza to conduct a "second" investigation.

24 65. In fact, this was the only investigation done at Greenspun into the bullying of Ethan and
25 Nolan. At trial, no one from either the school or the school district testified either to seeing any
26 results of any earlier investigation, nor provided any evidence obtained from any earlier
27
28

1 investigation. Contrary to the responsibilities under Nevada law, no investigation ever took place
2 while Ethan and Nolan were attending Greenspun Junior High School.

3 4 **III. CONCLUSIONS OF LAW**

5 **A. The Nevada Supreme Court remanded the case for the limited purpose of** 6 **determining the existence of a factual predicate for a determination of deliberate** 7 **indifference.**

8 In *Clark Cty. Sch. Dist. (CCSD) v. Bryan*, 478 P.3d 344 (Nev. 2020), the Nevada Supreme
9 Court set forth the requisite element to establish a Title IX claim, as stated in *Davis v. Monroe Cty.*
10 *Bd. of Educ.*, 526 U.S. 629 (1999).

11 Title IX is a federal civil rights law enacted in 1972 that provides the following:
12 "No person in the United States shall, on the basis of sex, be excluded from
13 participation in, be denied the benefits of, or be subjected to discrimination under
14 any education program or activity receiving Federal financial assistance." 20
15 U.S.C. § 1681(a) (2012) (Title IX).

16 The first requirement for imposing Title IX liability is that the harassment be "on
17 the basis of sex." *Id.* For liability to attach to a school district in cases of student-
18 on-student harassment, the plaintiff must also show that the school exercised
19 substantial control over the harasser and the situation, the harassment was so severe
20 as to deprive the plaintiff of educational opportunities, a school official with
21 authority to correct the situation had actual knowledge of the harassment, and the
22 school was deliberately indifferent to the known harassment. *Reese v. Jefferson*
23 *Sch. Dist. No. 14J*, 208 F.3d 736, 739 (9th Cir. 2000) (relying on *Davis v. Monroe*
24 *Cty. Bd. of Educ.*, 526 U.S. 629, 119 S. Ct. 1661, 143 L. Ed. 2d 839 (1999)).

25 478 P.3d 3at 353.

26 The Ninth Circuit has adopted this analytical framework as well. See, *Parents for Privacy*
27 *v. Barr*, 949 F.3d 1210 (9th Cir. 2020).

28 Stating a Title IX hostile environment claim requires alleging that the school
district: (1) had actual knowledge of; (2) and was deliberately indifferent to; (3)
harassment because of sex that was; (4) "so severe, pervasive, and objectively
offensive that it can be said to deprive the victims of access [**29] to the
educational opportunities or benefits provided by the school." *Davis ex rel.*
LaShonda D. v. Monroe Cty. Bd. of Educ., 526 U.S. 629, 650, 119 S. Ct. 1661, 143
L. Ed. 2d 839 (1999); see also *Reese v. Jefferson Sch. Dist. No. 14J*, 208 F.3d 736,
738-39 (9th Cir. 2000).

949 F.3d at 1226.

1 The Supreme Court analyzed the instant case pursuant to the *Davis* standard, and ruled that
2 all of the criteria were met, at least post October 19, 2011, except for the still open issue of
3 deliberate indifference. The Court ruled that “The school exercised substantial control over the
4 harasser and the situation.”

5 The district court found that CCSD had substantial control, since the harassment
6 occurred during band class. This prong is typically established where the
7 misconduct occurs at school and during school hours. *See Davis*, 526 U.S. at
8 646. The facts establish this prong, as the harassment occurred while the boys were
at school, and CCSD does not challenge this point on appeal.

9 478 P.3d at 355.

10 The Court also found that “The harassment was so severe as to deprive the plaintiff of
11 educational opportunities.” *Id.*

12 While the record does not reflect that the district court here expressly considered
13 the schoolroom setting or that the harassers were minors, we nevertheless conclude
14 the record contains sufficient evidence to support the district court's finding. The
15 conduct at issue here went far beyond mere insults and banter—the language was
16 ugly, pervasive, and resulted in a serious physical assault. Although the evidence
17 suggested the boys did well academically despite the harassment, the facts
18 nevertheless demonstrate that Nolan began skipping band and other classes and
19 eventually skipped school, while Ethan began faking illness to stay home and was
20 contemplating suicide. We therefore conclude substantial evidence supports that the
boys were denied educational opportunities as a result of the
harassment. *See Davis*, 526 U.S. at 654 (suggesting this element is satisfied where
the harassment has a “concrete, negative effect” on the victim's ability to participate
in the educational program).

21 478 P.3d at 356.

22 The Supreme Court also ruled that “[a] school official with authority to correct the
23 situation had actual knowledge of the harassment.” 478 P.3d at 356.

24 The district court found that the collective complaints and discussions with Mary
25 and Aimee put CCSD on notice of the bullying and “should have prompted a
26 mandatory investigation.” CCSD on appeal contends it did not have actual
27 knowledge of the continuing harassment because Nolan and Ethan concealed the
28 harassment.

1 This prong requires that a school "official 'who at a minimum has authority to
2 address the alleged discrimination and to institute corrective measures'" have
3 "actual knowledge of the discrimination." *Reese*, 208 F.3d at 739 (quoting *Gebser*
4 *v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 290, 118 S. Ct. 1989, 141 L. Ed. 2d
5 277 (1998)).

6 The parties introduced substantial conflicting evidence regarding the extent to
7 which Greenspun administrators knew of the ongoing sexual harassment. The
8 CCSD employees all denied knowing of the sexual slurs until after the boys left
9 school and, to varying degrees, denied knowing details of the physical and
10 nonsexual harassment. But Nolan's mother, Aimee, testified to telling school
11 administrators on September 22 that C. had stabbed Nolan in the genitals while
12 asking if Nolan was a girl. Moreover, Ethan's mother, Mary, testified to reporting
13 the full details of the harassment to the dean on October 19. We will not disturb the
14 district court's determination that the parents were more credible than the school
15 district employees on this fact. *See Weddell*, 128 Nev. at 101, 271 P.3d at 748; *Ellis*
16 *v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (acknowledging the
17 conflicting evidence presented on an issue of fact and noting, "we leave witness
18 credibility determinations to the district court and will not reweigh credibility on
19 appeal"). And, because the administrators had the ability to address the bullying
20 and institute corrective measures, we conclude CCSD had actual notice for
21 purposes of Title IX. *See, e.g., Reese*, 208 F.3d at 739.

22 478 P.3d at 356.

23 **B. Even in the absence of consideration of the violation of NRS 3.88.1351,**
24 **Greenspun officials acted with deliberate Indifference.**

25 The Supreme Court, however, found the question of whether Defendant acted with
26 deliberate indifference to be a bit more complicated. While the Supreme Court acknowledged that
27 Defendant failed to comply with the statutorily mandated reporting, investigation and other
28 remedial actions set forth in NRS 388.1351, it also stated that such failure by itself could not
establish deliberate indifference.

Accordingly, although the violation of a statute, regulation, or policy may inform a
finding of deliberate indifference, the state law violation could not constitute *per se* deliberate indifference. Our careful review of the district court's orders shows it
erroneously focused on the statutory violation in finding deliberate indifference
without expressly analyzing the elements of deliberate indifference under the
applicable federal standards. The relevant question under the pleaded claims was
not whether Greenspun administrators failed to comply with NRS 388.1351, but
whether the response was more than negligent, was clearly unreasonable in light of
the known circumstances, and caused the boys to either undergo harassment or be
more vulnerable to it. *See, e.g., Davis*, 526 U.S. at 642-43, 648-49; *Karasek*, 956

1 F.3d at 1104-05, 1108-09; *Reese*, 208 F.3d at 739. Again, while the facts
2 underlying the statutory violation may inform a finding of deliberate indifference,
the statutory violation and the deliberate indifference are separate legal questions.

3 478 P.3d at 358.

4 The Supreme Court found that the District Court focused the deliberate indifference
5 analysis too much on the statutory violation, “without expressly analyzing the elements of
6 deliberate indifference under the applicable federal standards. “ *Id.* The Supreme Court also noted
7 that the record did not indicate that the complaints made to school personnel by Nolan and his
8 mother about the bullying in September 2011 did not clearly express the fact of the sexual
9 element of the harassment he endured. *Id.* at 358-359. (“Accordingly, to the extent the district
10 court found deliberate indifference based upon CCSD's action or inaction in September, that
11 finding is not supported by the record.”)
12

13 After October 19, 2011, the situation was different.

14
15 Mary testified she informed the dean of the full details of the harassment on
16 October 19. **Thus, the record supports that, by October, Greenspun**
17 **administrators knew the harassment was sexual in nature, ongoing,**
18 **unresolved by the school's earlier efforts, and now involved Ethan as well as**
19 **Nolan. Moreover, no administrator could recall actually investigating that**
20 **report or whether another employee had actually done so.**

21 Importantly, the information gained from the investigation of the September
22 incident, and Greenspun's administrators' failure to prevent future harassment,
23 informs the October incident. Indeed, at that point it was clear that further
24 investigation and more serious intervention was necessary to stop the sexual and
25 other harassment against Nolan and Ethan, as well as to prevent further bullying
26 and physical assaults.

27 *Id.* at 359 (emphasis added).

28 It was not until 2012, after both Ethan and Nolan had been removed from Greenspun for
their safety did any investigation of the sexual bullying and harassment occur. Moreover, this was
prompted by a police report made by Aimee Hairr. Absolutely no investigation nor any remedial

1 action was undertaken by Greenspun officials until they were ordered to by District
2 Administrators subsequent to the filing with the police.

3 While the blatant disregard of their statutory duties does not by itself create per se
4 deliberate indifference, the disregard of the statute does inform the analysis of the state of mind of
5 the individuals involved. They clearly knew about the bullying, and by at least October 19, were
6 aware of the vulgar sexual nature of it. They also knew of the proper procedure concerning how to
7 handle such a situation, yet chose to totally ignore it.

8
9 Deliberate indifference is “the conscious or reckless disregard of the consequences of one’s
10 acts or omissions.” *Henkle v. Gregory*, 150 F. Supp. 2d at 1078. Deliberate indifference occurs
11 where the recipient's response to the harassment or lack thereof is clearly unreasonable in light of
12 the known circumstances. *Reese v. Jefferson Sch. Dist. No. 14J*, 208 F.3d 736, 739 (9th Cir.
13 2000). It must, at a minimum, “cause students to undergo harassment or make them liable or
14 vulnerable to it.” *Id.*, citing *Davis*, 526 U.S. at 645. “[I]f an institution either fails to act, or acts in
15 a way which could not have reasonably been expected to remedy the violation, then the institution
16 is liable for what amounts to an official decision not to end discrimination.” *Gebser v. Lago Vista*
17 *Ind. School Dist.*, 524 U.S. 274, 290 (1998); *See, Jane Doe A v. Green*, 298 F. Supp.2d 1025, 1035
18 (D. Nev. 2004). Greenspun officials’ failure to take further action once they received actual notice
19 of the bullying and its nature showed deliberate indifference. *See, Flores v. Morgan Hill Unified*
20 *School Dist.*, 324 F.3d 1130, 1136 (9th Cir. 2003), *Vance v. Spencer County Public School Dist.*,
21 231 F.3d 253 (6th Cir. 2000).

22 "Deliberate indifference" is found if the school administrator "responds to known peer
23 harassment in a manner that is . . . clearly unreasonable." *Flores v. Morgan Hill Unified Sch. Dist.*,
24 324 F.3d 1130, 1135 (9th Cir. 2003), citing *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629,
25 649 (1999).

26
27 Under this standard, the question for this Court is, even discounting the statutory violation,
28 were the actions of the Greenspun administrators reasonable under the circumstances. As set forth

1 above, the circumstances involved knowledge by the school administrators (at least after October
2 19, 2011), that Nolan and Ethan were consistently being bullied and harassed on the basis of sex.
3 Despite this knowledge, school officials chose not to act. No investigations were either made or
4 ever began. No remedial action was taken to prevent further sexual harassment of Nolan and
5 Ethan. No action was taken at all until after the boys were removed from the toxic school
6 environment and after a police report had been filed. . "Deliberate indifference may be shown by
7 a failure to act to halt the misbehavior." *Doe v. Sch. Dist. No. 1*, 970 F.3d 1300, 1314 (10th Cir.
8 2020), *citing Davis*, 526 U.S. at 654. The Ninth Circuit has explained that a school district will be
9 liable for discrimination occurring on school grounds "if the need for intervention was so obvious,
10 or if inaction was so likely to result in discrimination, that it can be said to have been deliberately
11 indifferent to the need." *Jane Doe A v. Green*, 298 F. Supp. 2d 1025, 1035 (D. Nev. 2004), *citing*
12 *Monteiro v. Tempe Union High School Dist.* 158 F.3d 1022, 1034 (9th Cir. 1998).

13
14
15 **C. Greenspun officials decision to not act on the post October 19, 2011 sexual**
16 **harassment constituted deliberate indifference.**

17 Greenspun school officials' actions cannot be deemed as merely ineffective or negligent
18 because they deliberately made the decision to take no action. Each official, including the
19 Principal, Vice Principal and the Dean claim that they did not know about the sexual harassment,
20 even after October 19, 2011. Their respective trial testimony, however, contradicts each other.
21 Moreover, as both the District Court and the Nevada Supreme Court have already determined,
22 school officials were made aware of the situation, at least after Mary Bryan and her husband told
23 their story to Dean Winn.

24 Obviously, in light of Greenspun's total lack of response, it is impossible to imagine them
25 doing less. This is not a circumstance where the school's response to the sexual harassment was
26 inadequate or merely negligent. No action was taken, nor even claimed to have been taken. To
27 find that the school's actions in this circumstance to be anything other than deliberate indifference,
28

1 would essentially eviscerate the whole concept of deliberate indifference, as one would be hard
2 pressed to conceive of anything less than the total disregard exhibited here.

3 **D. Plaintiffs are entitled to damages in an amount determined by the finder of**
4 **fact.**

5 While the remand did not include the question of monetary damages, it was mentioned in
6 footnote 11. At trial, Plaintiffs did not specify a particular damages figure, but left it up to the
7 finder of fact (in this case the District Court) to determine, based upon all of the evidence. Part of
8 the Court's damages award to Plaintiffs was based on an estimation of out-of-pocket costs. The
9 rest was for physical and emotional harm, as testified to at trial. This included incidents of self-
10 harm and a contemplated suicide. The total amount awarded to each Plaintiff was \$200,000, as
11 determined by the finder of fact.
12

13 Emotional distress damages are generally left to the jury's determination, or in the case of
14 a bench trial, the Court's. A district court's computation of damages is reviewed for clear
15 error. *Marsu, B.V. v. Walt Disney Co.*, 185 F.3d 932, 938 (9th Cir. 1999), citing *Nintendo of*
16 *Am., Inc. v. Lewis Galoob Toys, Inc.*, 16 F.3d 1032, 1038-1039 (9th Cir. 1994). The Ninth Circuit
17 noted that they "will not disturb an award of damages unless it is clearly unsupported by the
18 evidence." *Marsu, supra*, citing *Stinnett v. Damson Oil Corp.*, 813 F.2d 1394, 1398 (9th Cir.
19 1987). See also, *Sandoval v. Las Vegas Metro. Police Dep't*, No. 2:10-cv-01196-RCJ-PAL, 2017
20 U.S. Dist. LEXIS 3381 (D. Nev. Jan. 10, 2017).
21

22 Because Plaintiffs will not be presenting evidence of economic damages, and
23 because Plaintiffs represent in their motion brief that they will rely wholly on the
24 jury to determine the appropriate amount of damages to be awarded in this case,
25 Defendants' motion is denied. See, e.g., *Williams v. Trader Publishing Co.*, 218
26 F.3d 481, 486 n. 3 (5th Cir. 2000) ("Since compensatory damages for emotional
27 distress are necessarily vague and are generally considered a fact issue for the jury,
28 they may not be amenable to the kind of calculation disclosure contemplated
by Rule 26(a)(1)(C)."); see also *Jackson v. United Artists Theatre Circuit, Inc.*, 278
F.R.D. 586, 593 (D. Nev. 2011) ("Rule 26(a)(1)(A)(iii) does not require a
computation of general damages for pain and suffering or emotional distress
because such damages are subjective and do not lend themselves to

1 computation."); *Crocker v. Sky View Christian Acad.*, No. 3:08-cv-00479-LRH,
2 2009 U.S. Dist. LEXIS 1116, 2009 WL 77456, at *2 (D. Nev. Jan. 8,
3 2009) ("Indeed, because emotional suffering is personal and difficult to quantify,
4 damages for emotional anguish likely will be established predominantly through
5 the plaintiffs' testimony concerning the emotional suffering they experienced, not
6 through the type of documentary evidence or expert opinion relied upon to make
7 a Rule 26(a)(1)(A)(iii) disclosure of a computation of damages."); *Creswell v.*
8 *HCAL Corp.*, No. 04-cv-388-BTM, 2007 U.S. Dist. LEXIS 9724, 2007 WL 628036
9 at *2 (S.D. Cal. Feb. 12, 2007) ("While Rule 26 generally requires a party to
10 provide a computation of such damages, emotional damages, because of their
11 vague and unspecific nature, are oftentimes not readily amenable to computation.").
12 Accordingly, Plaintiffs may seek and present evidence of non-economic
13 compensatory damages. It is within the jury's ability to determine a reasonable
14 amount.

15 2017 U.S. Dist. LEXIS 3381, at *9-10.

16 Emotional distress damages are are "inextricably related to the conduct causing
17 that distress." *Rozario v. Richards*, 687 F. App'x 568, 569-70 (9th Cir. 2017). "The more
18 aggravated the conduct, the larger the award of damages is likely to be." *Id.* at 570, citing *Kardly*
19 *v. State Farm Mut. Auto. Ins.*, 207 Cal. App. 3d 479, 255 Cal. Rptr. 40, 43 (Ct. App.
20 1989). Therefore "[t]he amount and severity of damages for emotional distress is a question of fact
21 for the jury [or court] to decide based on all the evidence before it." *Id.* Although "the amount
22 of damages must be reasonable," there "is no fixed or absolute standard by which to compute
23 [them]." *Plotnik v. Meihaus*, 208 Cal. App. 4th 1590, 146 Cal. Rptr. 3d 585, 596 (Ct. App.
24 2012) (quoting *Hope v. Cal. Youth Auth.*, 134 Cal. App. 4th 577, 36 Cal. Rptr. 3d 154, 169 (Ct.
25 App. 2005)). Moreover, "while other somewhat similar cases furnish no precise or accurate bases
26 for comparison, they are nevertheless continually resorted to by appellate courts as of some
27 guidance. *Reilly v. Cal. S. C. R. Co.*, 76 Cal. App. 2d 620, 627, 173 P.2d 872, 876 (1946).
28 Therefore, the District Court's use of *Henkle v. Gregory*, 150 F. Supp. 2d 1067 (D. Nev. 2001) as
a benchmark for comparison in assessing damages was entirely proper.

29 IV. CONCLUSION

1 For these reasons, the Court finds that Greenspun officials acted with deliberate
2 indifference to the sexual harassment that Ethan and Nolan suffered through, at least from October
3 19, 2011 through the time they left Greenspun to escape their torment. This deliberate
4 indifference, combined with the findings already made by the Nevada Supreme Court, as stated
5 above, comprise a Title IX violation.

6
7 **V. JUDGMENT**

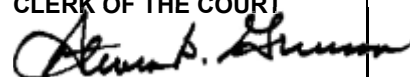
8 Judgment is hereby entered in favor of Plaintiffs Ethan Bryan and Nolan Hairr on Title IX
9 claims against Defendant CCSD. Each Plaintiff is hereby awarded the sum of two hundred
10 thousand dollars (\$200,000).

11
12
13
14 _____
15 DATE

14 _____
15 DISTRICT COURT JUDGE

76

76



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DISTRICT COURT

CLARK COUNTY, NEVADA

ETHAN BRYAN; and NOLAN HAIRR

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
(CCSD)

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

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

Dated this 18th day of July 2021,

Respectfully submitted by:

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

12 **NOTICE OF MOTION**

14 YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the
15 above and foregoing motion on for hearing before this Court at the courtroom in the above-entitled
16 Court on the ____ day of _____, 2021, at _____ o'clock, or as soon thereafter as
17 counsel can be heard.

19 Dated this 9th day of August, 2021.

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Ilick v. Miller, 68 F.Supp.2d 1169 (D.Nev. 1999)

In re Continental Illinois Securities Litigation, 962 F.2d 566(7th Cir. 1992)

In re Nucorp Energy, 764 F.2d 655 (9th Cir. 1985)

Jeff D. V. Kempthorne, 365 F.3d 844 (9th Cir. 2004)

- 1 Kerr v. Screens Extras Guild Inc., 526 F.2d 67 (9th Cir. 1975)
- 2 Lippis v. Peters, 112 Nev. 1008, 1014, 921 P.2d 1248 (1996)
- 3 McCown v. City of Fontana, 565 F.3d 1097 (9th Cir. 2009)
- 4 Missouri v. Jenkins, 491 U.S. 274 (1989)
- 5 Morales v. City of San Rafael, 96 F.3d 359 (9th Cir. 1996)
- 6 Moreno v. City of Sacramento, 534 F.3d 1106 (9th Cir. 2008)
- 7 Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400 (1968)
- 8 Oberfelder v. City of Petaluma, No. C-98-1470, 2002 WL 472308
9 (N.D. Cal. Jan. 29,2002)
- 10 Cunningham v. County of Los Angeles, 879 F.2d 19 481 (9th Cir. 1988)
- 11 Patton v. County of Kings, 857 F.2d 1379 (9th Cir. 1988)
- 12 Pennsylvania v. Delaware Valley Citizens' Council for Clean Air, 478 U.S. 546
13 (1986)
- 14 Pressley v. Haeger, 977 F.2d 295 (7th Cir. 1992)
- 15 Quesada v. Thomason, 850 F.2d 537 (9th Cir.1988)
- 16 Saint John's Organic Farm v. Gem Cty. Mosquito Abatement Dist.,
17 574 F.3d 1054 (9th Cir. 2009)
- 18 Southerland v. International Longshoremen's and Warehousemen's Union,
19 845 F.2d 796 (9th Cir. 1988)
- 20 Steelworkers of America v. Phelps Dodge Corp., 896 F.2d 403 (9th Cir. 1989)
- 21 Stivers v. Pierce, 71 F.3d 732 (9th Cir. 1995)
- 22 Tahara v. Matson Terminals, Inc., 511 F.3d 950 (9th Cir. 2007)
- 23 Texas State Teachers Assn., 489 U.S. 782, 792-793
24 (1989)
- 25 Univ. of Nev. v. Tarkanian, 110 Nev. 581, 879 P.2d 1180 (1994)
- 26 Van Gerwen v. Guarantee Mut. Life Co., 214 F.3d 1041 (9th Cir. 2000)
- 27
- 28

statutes/rules

20 U.S.C. § 1681 et seq. (The Civil Rights Attorney Fee Awards Act of 1976)

42 U.S.C. § 1983

42 U.S.C. § 1988

N.R.C.P. § 59(E)

N.R.C.P. § 60(A)

N.R.C.P. § 60(B)

N.R.S. § 18.020

Title IX of the Education Amendments Act of 1972

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: \$157,500.00 in attorneys fees for John H. Scott; \$ 297,360.00 in attorneys fees for Allen Lichtenstein (as a private attorney)(\$ 292,500.00 from initial award + \$4,860.00 post remand); \$9,360 in attorney's fees for Staci Pratt (as a private attorney); and, \$11,058.75 in attorneys fees for the ACLU of Nevada (ACLUN) for a total of \$474,778.75 in attorneys' fees, and costs in the amount of \$19,236 for a total of \$494,014.75. All fees except the post remand fees for Mr Lichtenstein were awarded pre-appeal on 11/16/17.

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. and Allen Lichtenstein, Esq.

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.

1 The Complaint listed five claims for relief: 1) Negligence; 2) Negligence Per Se; 3)
2 Violation of Title IX; 4) Violation of the Right to Equal Protection; 5) Violation of Substantive
3 Due Process. Plaintiffs were represented by Allen Lichtenstein, General Counsel of the ACLU of
4 Nevada (ACLUN); Staci Pratt, the ACLUN's Legal Director, and Amanda Morgan, staff attorney,
5 aided by interns.

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

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

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

21
22 On July 7, 2015 the Court granted Plaintiffs' Motion to Associate Counsel. John H Scott
23 entered the case, pro hac vice, on behalf of Plaintiffs, joining Allen Lichtenstein.

24 On March 1, 2016, Defendants filed a Motion for Summary Judgment, which was granted
25 in part and denied in part by the Court in its July 22, 2016 Order. The Court denied Defendants'
26 Motion to dismiss Plaintiffs' Title IX claim against Defendant CCSD. It dismissed the 42 USC
27 1983 Equal Protection claims, which had been abandoned by Plaintiffs. The Court granted
28

1 Defendants' Motion to dismiss all Defendants except CCSD from the 42 USC 1983 Substantive
2 Due Process claim. Overall, the Court ruled the two remaining claims against CCSD, 1) Title IX;
3 and 2) Substantive Due Process would proceed to trial.

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

10 On August 5, 2016, Defendant CCSD filed a Motion for Partial Reconsideration, or in the
11 Alternative, Motion for Relief Pursuant to N.R.C.P. § 59(E), N.R.C.P. § 60(A) and N.R.C.P. §
12 60(B), or Motion in Limine. On October 26, 2016 the Court denied Defendant's Motion.

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

25 Closing arguments were done via written briefs. Briefing was completed on May 26, 2017.
26 On June 29, 2017, the Court issued its Decision and Order, concluding that Defendant CCSD
27 violated both Title IX of the Civil Rights Act and also violated Plaintiffs' Substantive Due Process
28

1 rights as guaranteed by the Fourteenth Amendment to the United States Constitution pursuant to
2 42 U.S.C. § 1983. The Court further ordered that after review, “Judgment shall be entered in favor
3 of Plaintiffs Mary Bryan, on behalf of Ethan Bryan and Aimee Hairr on behalf of Nolan Hairr, and
4 that Plaintiffs are entitled to a judgment for all damages sought under these two claims asserted in
5 the Complaint, and proven at trial.”

6
7 On July 21, 2017 the Court filed its Findings of Fact and Conclusions of Law and
8 Judgment. On July 27, 2017 Plaintiffs Filed their Memorandum of Costs and Disbursements.
9 (Exhibit A). On November 16, 2017, the Court filed its initial Order regarding Plaintiffs’ fees and
10 costs, as follows (Exhibit B): \$157,500, John Scott; \$292,500.00; Allen Lichtenstein; \$9,360.00
11 Staci Pratt, (as private attorney); ACLU of Nevada \$3,870.00, (Staci Pratt); \$7,188.75, (Amanda
12 Morgan); for a total fee award of \$470,418.75. An additional award of costs was made to Plaintiffs
13 of \$19,236.19.(Exhibit C). The combined award for fees and cost was \$489,654.94. That sum,
14 plus an additional fee of \$4,860 for post-remand work by Allen Lichtenstein brings the entire
15 amount to \$494,514.94.(Exhibit D). This is the amount requested in this Motion. All of the
16 aforementioned Exhibits are hereby incorporated by reference.

17
18 On August 23, 2017 Defendant filed notice of appeal, which was amended on November
19 22, 2017. On January 25, 2018, the Nevada Supreme Court remanded the case back to the District
20 Court to resolve the issue of whether Greenspun officials acted with deliberate indifference to the
21 plight of Ethan Bryan and Nolan Hairr. On June 16, 2021, the District Court again ruled in favor
22 of in favor of Plaintiffs on their Title IX claims, accepting Plaintiffs’ Findings of Fact and
23 Conclusions of Law. Notice of Entry of Order was filed on June 27, 2021 This instant Motion
24 incorporates the prior Fee motion and award, along with the fees incurred during the remand
25 process. As Plaintiffs did not prevail at the Nevada Supreme Court, no fees for work by Plaintiffs’
26 counsel in that forum are included.
27
28

1 III. Argument

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

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

18 Congress has included the term "prevailing party" in various fee-shifting statutes,
19 and it has been the Court's approach to interpret the term in a consistent manner.
20 See *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res.*,
21 532 U. S. 598, 602, 603, and n. 4, 121 S. Ct. 1835, 149 L. Ed. 2d 855 (2001). The
22 Court has said that the "touchstone of the prevailing party inquiry must be the
23 material alteration of the legal relationship of the parties." *Texas State Teachers*
24 *Assn.*, 489 U.S. 782, 792-793, 109 S. Ct. 1486, 103 L. Ed. 2d 866 (1989). This
25 change must be marked by "judicial imprimatur." *Buckhannon*, 532 U. S., at 605,
26 121 S. Ct. 1835, 149 L. Ed. 2d 855. The Court has explained that, when a plaintiff
27 secures an "enforceable judgment on the merits" or a "court-ordered consent
28 decree," that plaintiff is the prevailing party because he has received a "judicially
sanctioned change in the legal relationship of the parties." *Id.*, at 604-605, 121 S.
Ct. 1835, 149 L. Ed. 2d 855.

136 S. Ct. at 1646.

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

11 The Nevada Supreme Court follows this standard. *Univ. of Nev. v. Tarkanian*, 110 Nev.
12 581, 590, 879 P.2d 1180, 1186 (1994) ("As a general rule, a prevailing plaintiff may recover
13 reasonable attorney's fees as costs under section 1988 unless the losing defendant can establish the
14 existence of special circumstances which would make the award unjust."), *See also, Cuzze v.*
15 *Univ. & Cmty. Coll. Sys.*, 123 Nev. 598, 604, 172 P.3d 131, 136 (2007); *Lippis v. Peters*, 112
16 Nev. 1008, 1014, 921 P.2d 1248, 1252 (1996).

18 Here, Plaintiffs were successful in obtaining Judgment in their favor on both the Title IX
19 violation and the Substantive Due Process violation claims, with each Plaintiff receiving damages
20 in the amount of \$200,000. Thus, Plaintiffs are unquestionably the prevailing parties in this case
21 and are therefore entitled to an award of attorneys' fees and costs. *See, Jeff D. V. Kempthorne*, 365
22 F.3d 844, 855 (9th Cir. 2004); *Democratic Party of Wahington State v. Reed*, 388 F.3d 1281, 1288
23 (9th Cir. 2004); *Fisher v. SJB-P.D. Inc.*, 214 F.3d 1115, 1118 (9th Cir. 2000).

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

26 Once a Plaintiff has been determined to be a prevailing party, "[t]he most useful starting
27 point for determining the amount of a reasonable fee is the number of hours reasonably expended
28

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

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

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

18 Under the lodestar method, "a district court must start by determining how many hours
19 were reasonably expended on the litigation, and then multiply those hours by the prevailing local
20 rate for an attorney of the skill required to perform the litigation." *Moreno v. City of Sacramento*,
21 534 F.3d 1106, 1111 (9th Cir. 2008); *Tahara*, 511 F.3d at 955. There is a strong presumption that
22 the lodestar is a reasonable fee. *Gates v. Deukmejian*, 987 F.2d 28 1392, 1397 (9th Cir. 1992).

23 Plaintiffs are presumptively entitled to the lodestar even if it exceeds the damages award.
24 See *Fair Housing of Marin v. Combs*, 285 F.3d 899, 908 (9th Cir. 2002) (attorney's fees in civil
25 rights cases need not be proportionate to the amount of damages a plaintiff recovers) (citing *City*
26 *of Riverside v. Rivera*, 477 U.S. 561 (1986) (affirming a \$245,456.25 fee award in a case where
27 plaintiff recovered \$33,350)); *Morales v. City of San Rafael*, 96 F.3d 359 (9th Cir. 1996) (district

1 court's award of attorney's fees of only \$20,000 after civil rights plaintiff had won compensatory
2 damages of \$17,500 was calculated improperly and too low; Plaintiff included "extensive and
3 detailed explanations as to why the lodestar figure of \$134,759.75 was a reasonable fee in this
4 case"); *Quesada v. Thomason*, 850 F.2d 537 (9th Cir.1988) (holding that in a civil rights case the
5 district court "should not have reduced the attorney's fees simply because the damage award was
6 small").
7

8 A rule of proportionality that would limit fee awards under section 1988 to a proportion of
9 the damages recovered in the underlying suit is inconsistent with the flexible approach to lodestar
10 calculations that takes into account all considerations relevant to the reasonableness of the time
11 spent." *Oberfelder v. City of Petaluma*, No. C-98-1470, 2002 WL 472308, *10 (N.D. Cal. Jan.
12 29,2002) (Patel, J.) (citing *Cunningham v. County of Los Angeles*, 879 F.2d 19 481,486 (9th Cir.
13 1988)), The amount of damages recovered by the plaintiffs is not the sole indicator of the extent
14 of their success. *Morales*, 96 F.3d at 364. "[A] civil rights plaintiff seeks to vindicate important
15 civil and constitutional rights that cannot be valued solely in monetary terms." *City of Riverside*,
16 477 U.S. at 574. "[T]he district court must consider the excellence of the overall result, not merely
17 the amount of damages won." *McCown v. City of Fontana*, 565 F.3d 1097, 1103 (9th Cir. 2009).
18 In *Morales*, a civil rights plaintiff prevailed against the city and the police officer involved in his
19 unlawful arrest. 96 F.3d at 364. The Ninth Circuit held that his "nonmonetary success was
20 significant." *Id.* "Because [the jury] assessed damages against the defendants, the verdict
21 established a deterrent to the City, its law enforcement officials and others who establish and
22 implement official policies governing arrests of citizens. Thus, it served the public purpose of
23 helping to protect *Morales* and persons like him from being subjected to similar unlawful
24 treatment in the future." *Id.* In fact, in some cases of exceptional success an enhanced award or
25 multiplier may be justified. *Blum*, 465 U.S. at 897.
26
27
28

1 The reasonable fee award in this case "should consider not only the monetary results, but
2 also the significant nonmonetary results" that the plaintiffs achieved for themselves and for "other
3 members of society." *Morales*, 96 F.3d at 365. *See also Gonzalez v. City of Maywood*, 729 F.3d
4 1196, 1209-10 (9th Cir. 2013) ("[i]t is not per se unreasonable for attorneys to receive a fee award
5 that exceeds the amount recovered by their clients," which is "especially true in civil rights cases,
6 where the dollar amount lawyers recover for their clients is not the sole measure of the results the
7 prevailing parties' attorneys obtained."). The instant case is precedent – setting in that it is the first
8 successful lawsuit against CCSD for acting with deliberate indifference to school bullying it had
9 actual knowledge of. That precedent may provide public benefits that extend far beyond the
10 individual Plaintiffs here.

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

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

21 Ordinarily, the attorney fee rate to be utilized under 42 U.S.C. § 1988 is the
22 prevailing market rate for an attorney of similar experience and skill in the forum
23 community. *Blum*, 465 U.S. at 895; *Pressley v. Haeger*, 977 F.2d 295, 299 (7th Cir.
24 1992). Prevailing plaintiffs are entitled not to a "just" or "fair" price for legal
25 services, but to the market price for legal services. *Burlington v. Dague*, 505 U.S.
26 557 (1992); *Missouri v. Jenkins*, 491 U.S. 274, 285,(1989); *Blum* 465 U.S. at
27 892-96. "It is not the function of judges in fee litigation to determine the
28 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).

1 977 F.2d at, 299.

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

6
7 The rates for Ms. Pratt is \$450 per hour; \$250 per hour for Ms. Morgan, and \$125 per hour
8 for ACLUN interns.

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

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

19
20 In the instant case, the time and labor required are set forth in the attachments to the
21 declarations of John Scott and Allen Lichtenstein. The hours listed in the fee request are neither
22 duplicative, unnecessary nor excessive. *See, Hensley* at 434. The case involved a myriad of
23 statutory and constitutional issues and involved both disputes of law and fact. Because these
24 issues involve the basic rights it was essential the case be litigated thoroughly and meticulously.

25
26 Not only were the rights of the named plaintiffs at stake but the rights of parents with
27 children in the Clark County School District and also to the entire public. Both Mr. Scott and Mr.
28

1 Lichtenstein have decades of experience in civil rights litigation. This case involved significant
2 motion practice, as well as a five day trial. The number of hours the Plaintiffs seek compensation
3 for is reasonable under the *Kerr* factors.

4 **3. Contingent risk**

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

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

17 505 U.S. at 562-63.

18 **C. Under the *Brunzell* standards, Plaintiffs' attorneys should receive the full 19 lodestar amount.**

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

1 **1. The qualities of the advocate: ability, training, education,**

experience, professional standing and skill;

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

a. Allen Lichtenstein

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

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

b. John H. Scott

Mr. Scott graduated from Golden Gate University School of Law in June 1976. He is admitted to practice in the State of California, the United States District Court for the Northern District of California, United States District Court for the Central District of California, the United States District Court for the Eastern District of California, the United States District Court for the

1 Southern District of California, the United States Court of Appeals for the Ninth Circuit, and the
2 Supreme Court of the United States.

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

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

11 His forty years of practice as a civil rights attorney has also involved numerous Section
12 1983 cases that were based in whole, or in part, on a theory of "deliberate indifference." This
13 often arose in custodial type situations where children, patients or inmates were dependent upon
14 state actors for their safety and well-being. The common theme was a statutory and/or
15 constitutional duty to protect someone from a known risk of serious harm. In recent years Mr.
16 Scott has also associated as co-counsel (pro hoc vice) outside of California in Arizona, Colorado
17 and Florida. This was the first case that went to trial in Nevada.

18 **c. Staci Pratt**

19 Staci Pratt graduated from Boston College School of Law and practiced with Shook, Hardy
20 and Bacon for 10 years. Staci Pratt was hired by the ACLUN in November of 2011. She assisted
21 in the initiation of this case and all of the base research and work until her departure from the
22 ACLU of Nevada in 2014. She continued to work on this case in cooperation with Allen
23 Lichtenstein and is the current Executive Director at Missourians for Alternatives to the Death
24 Penalty.
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1 **d. Amanda Morgan**

2 Amanda Morgan graduated from the Boyd School of Law in 2013. Amanda was hired in
3 2013 as a staff attorney with the ACLU of Nevada. She interned with the ACLU of Nevada in
4 2012. Amanda Morgan is the current Legal Director for the Education Nevada Now.

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

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

15 This case is precedent –setting, as it is the first time that CCSD was successfully sued for
16 failing to protect students from intense, pervasive and continuing bullying. It should be noted that
17 the Court itself commented on “highest skill and utmost professionalism” demonstrated by the
18 lawyers in this case, (Trial Transcript, Day 5, at 67).

19 The ACLU of Nevada (ACLUN) represented the Plaintiffs at the outset of the case, until
20 the end of July 2014. Allen Lichtenstein and Staci Pratt, along with Amanda Morgan were the
21 attorneys for the ACLUN. Mr. Lichtenstein and Ms. Pratt then continued to represent Plaintiffs
22 after leaving the ACLU of Nevada. Shortly thereafter, on or about December 2, 2014, Ms. Pratt
23 left Nevada and her Nevada Bar membership went inactive. Mr. Lichtenstein continued
24 representation of Plaintiffs by himself until Mr. Scott entered the case pro hac vice on July 7,
25 2015. Mr. Lichtenstein and Mr. Scott represent Plaintiffs to this day, including a 5-day bench trial
26 and extensive pre-trial and post trial briefing, including extensive written closing arguments. On
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28

1 July 20, 2017, the Court issued its Findings of Fact and Conclusions of Law and Judgment in
2 favor of Plaintiff, awarding each Plaintiff the sum of \$200,000.

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

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

7 **a. Allen Lichtenstein**

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

15 **b. John H. Scott**

16 John H. Scott, a licensed California lawyer, entered the case pro hac vice on July 7, 2015.
17 He was associated in because of his extensive background in trying civil rights cases. At the time
18 Mr. Scott entered the case, Mr. Lichtenstein was the sole counsel for Plaintiffs. He has
19 accumulated 383.50 hour of work on this case, at a rate of \$650 per hour for a total of
20 \$249,275.00. (See, Declaration of John H. Scott. Exhibit 1). As set forth in Mr. Scott's attached
21 Declaration he was responsible for conducting the trial. He was also involved in trial preparation,
22 discovery, depositions and briefing.

23 **c. Staci Pratt**

24 Staci Pratt entered the case as Plaintiffs' counsel at its commencement, in her capacity as
25 Legal Director for the ACLUN. Between July 31, 2014 and December 2, 2014, she represented
26
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1 Plaintiffs as a private attorney, where she accumulated 20.8 hour of work on this case, at a rate of
2 \$450 per hour for a total of \$10,980.00 (See Declaration of Allen Lichtenstein, Exhibit 2) Staci
3 Pratt was involved early in the case with client contact, helping to draft the original Complaint and
4 the Opposition to the Motion to Dismiss, and the Amended Complaint.

5
6 **d. Amanda Morgan**

7 Amanda Morgan was involved in the early stages of the case with the ACLUN. She
8 assisted with background research and client meetings for this case. (See Declaration of Allen
9 Lichtenstein, Exhibit 2). All of her work was through the ACLUN through July 2014, where she
10 accrued 31,95 hours at a rate of \$225 per hour, totaling \$7,188.75. The ACLUN also utilized interns
11 at the rate of \$125 per hour for 20.3 hours, totaling \$2,537.50.

12
13 **4. The result: whether the attorney was successful and what benefits were derived.**

14 The success of the efforts of Plaintiffs' attorneys is unambiguous. Plaintiffs prevailed on
15 both of the claims for relief, at trial and each received damages in the sum of \$200,000. Plaintiffs'
16 victory was complete. However, in pursuing their case, Plaintiffs incurred significant attorneys
17 fees that are the subject of this motion.

18
19 **IV. Plaintiffs are entitled to an award of costs.**

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

21 N.R.S. § 18.020 states that prevailing parties are entitled to recover their costs. Plaintiffs
22 are also entitled to costs pursuant to 42 U.S.C. § 1988. *See, Ilick v. Miller*, 68 F.Supp.2d 1169,
23 1181-1182 (D.Nev. 1999)(Plaintiffs are entitled to recover reasonable litigation expenses.)
24 Plaintiffs are also entitled to an award of costs representing out-of-pocket litigation expenses.
25 *United Steelworkers of America v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1989). In
26 total, plaintiffs seek an award of \$716,691.06. This includes costs incurred in travel (airfare, car
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rental, hotels and food, gasoline and the like), telephone, postage and photocopying. *Illick*, 68 F. Supp. 2d at 1181.

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

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

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

III. Conclusion

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

	rate per hr.	hrs expended	total
Fees for John H. Scott:	\$450	350	\$157,500.00
Fees for Allen Lichtenstein:	\$450	650	\$292,500.00 initial fee
(as a private attorney)	\$450	10.80	\$ 4,860.00 post-remand
Staci Pratt (as a private attorney)	\$450	20.80	\$ 9,360.99
Fees for the ACLUN			

1	Pratt	\$450	8.6	\$3,870.00
2	Morgan	\$225	31.95	\$7,188.75
3				
4	Total fees			\$476,898.75
5	Costs:			\$ 19,236.19
6				
7	Total			\$494,514.94

8 Dated this 18th day of July 2017,

9 Respectfully submitted by:

10 /s/Allen Lichtenstein
11 Allen Lichtenstein
12 Nevada Bar No. 3992
13 ALLEN LICHTENSTEIN LTD.
14 3315 Russell Road, No. 222
15 Las Vegas, NV 89120
16 Tel: 702.433-2666
17 Fax: 702.433-9591
18 allaw@lvcoxmail.com

19 John Houston Scott (CA Bar No. 72578)
20 Admitted Pro Hac Vice
21 SCOTT LAW FIRM
22 1388 Sutter Street, Suite 715
23 San Francisco, CA 94109
24 Tel: 415.561.9601
25 john@scottlawfirm.net
26 *Attorneys for Plaintiffs, Mary Bryan, Ethan Bryan,*
27 *Aimee Hairr and Nolan Hairr*
28

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I served the following Motion for Fees and Costs via Court's electronic
5 filing and service system and/or United States Mail and/or e-mail on the 18th day of July 2021, to:
6

7 Dan Waite
8 Lewis Rocha Rothgerber Christie
9 3993 Howard Hughes Pkwy., Suite 600
10 Las Vegas, NV 89169-5996

11 DWaite@lrrc.com

12 /s/ Allen Lichtenstein
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EXHIBIT A

Plaintiffs' 7/27/17 Motion for Fees and Costs

1 Allen Lichtenstein (NV State 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

**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

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

28 Dated this 10th day of August 2017,

Respectfully submitted by:

/s/Allen Lichtenstein
 Allen Lichtenstein
 Nevada Bar No. 3992
 ALLEN LICHTENSTEIN LTD.
 3315 Russell Road, No. 222

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Aimee Hairr and Nolan Hairr*

002545

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 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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/s/Allen Lichtenstein
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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
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Title IX of the Education Amendments Act of 1972	passim

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 Substantive 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 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
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
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'
27
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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.

17
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
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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.
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**
19 **the parties where they effect the importance of the litigation;**

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

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, Ilick 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**

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
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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
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/s/ Allen Lichtenstein

EXHIBIT 1

DECLARATION OF JOHN H. SCOTT

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

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT,

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.

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

/s/ John Houston Scott
John Houston Scott

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

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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

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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
11/18/2015	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
01/08/2016	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
03/08/2017	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.	0.60
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
07/08/2017	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

002587

002587

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.

8 Defendant also asserts that "the low verdict amount is not explained by the
9 difficulty or complexity of the case," and that the lodestar should be reduced because
10 this was "a straightforward police shooting case." Defendant's current position that
11 this case was simple is belied by the vigorous defense of this case; defendants moved
12 to dismiss, moved for summary judgment, contested liability at trial, and filed post-trial
13 motions seeking judgment as a matter of law and a new trial. Contrary to defendant's
14 assertions, this case was factually and legally complicated, and posed numerous
15 challenges for plaintiffs. Plaintiffs had to overcome defendants' assertion of qualified
16 immunity, and had to establish that defendant Markgraf acted with a purpose to harm
17 unrelated to a legitimate law enforcement objective, a very high standard. The only
18 witnesses to the incident were law enforcement officers, and there were factual
19 disputes about whether Eklund was attempting to run over officers when she was shot.
20 The complexity of the case is illustrated by the fact that defendants retained several
21 experts and prepared sophisticated and complicated video and computerized
22 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) "How should the qualified immunity framework be applied based on the jury's finding that Defendant-Appellant violated Plaintiffs-Appellees' Fourteenth Amendment right to a familial relationship?"; and (2) "Does the subjective requirement in this case that the Defendant-Appellant act with a purpose to harm unrelated to a legitimate law enforcement objective in order to violate the Plaintiffs-Appellees' Fourteenth Amendment right to familial association affect the qualified immunity inquiry?" *Id.* The parties filed supplemental briefs, and on September 18, 2012, the Ninth Circuit held a second argument on the appeals.

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

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

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

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

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

II. Merits Appeal

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

A. Hourly rates

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

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

Clearly, compensation received several years after the services were rendered – as it frequently is in complex civil rights litigation – is not equivalent to the same dollar amount received reasonably promptly as the legal services are performed, as would 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.

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

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

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

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

10 DISTRICT COURT
 11 CLARK COUNTY, NEVADA

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

14 Plaintiffs,

15 vs.

16 CLARK COUNTY SCHOOL DISTRICT
 17 (CCSD)

18 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

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

- 21 1. I am an attorney licensed to practice law in the State of Nevada.
- 22 2. I have personal knowledge of the matters set forth herein, except for those matters
- 23 known on information and belief, and for those matters, I believe them to be true.
- 24 3. I am competent to testify to the same; and, I make this Declaration in support of the
- 25 foregoing Motion for Attorney Fees and Cost of which this Declaration is made a part.
- 26 4. I worked with co-counsel in the preparation of the foregoing Motion
- 27
- 28

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

1 13. After July 31, 2014, I represented Plaintiffs as a private attorney. I worked 690.77
2 hours as a private attorney on the case at a rate of \$600 per hour, totaling \$414,460.00. From July
3 31, 2014, Staci Pratt worked 20.8 hours on the case at a rate of \$450 per hour, totaling
4 \$10,980.00.

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

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

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

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

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

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

21 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**

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Slip Listing

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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		

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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
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

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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		
2808	Allen	6.70	600.00	4020.00
12/25/2014	research	0.00	T	
WIP	Bryan and Hairr	0.00		
Research qualified and discretionary immunity; draft brief		0.00		
2809	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	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	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	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	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	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	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	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		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		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	Units	Rate	Slip Value
Posting Status		Activity	DNB Time	Rate Info	
Description		Client	Est. Time	Bill Status	
		Reference	Variance		
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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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 extend time for Defendants to make initial expert disclosures; Review Defendants' Motion to Compel Rule 35 Exam			0.00		
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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Dates and Time		Activity	DNB Time	Rate Info	
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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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Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2622	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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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Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
2996	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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	TIME	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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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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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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Description		Reference	Est. Time	Bill Status	
			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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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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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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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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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		
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		Timekeeper	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	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		
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		

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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		
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

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

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	0.80	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	1.20	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	3.10	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	1.30	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	0.60	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	0.70	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	2.60	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

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

Hours		Rate
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

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

002645

002645

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
 CITYNV 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



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			

002650

002650

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

Bank of America
ACH R/D 121000368

1643
11-36/10 CA
91002

5/12/2015

PAY TO THE ORDER OF State Bar of Nevada


Five Hundred Fifty and 00/100 *****


\$ 550.00

DOLLARS

MEMO Association of Counsel application fee. Hair

16016431122100035843250147916401


AUTHORIZED SIGNATURE

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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 168.99
Discounts 128.00

Total 58.99

Sub-Total 58.99
Tax 4.78
Deposit 0.00

63.77

63.77

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 #: XXXXXXXXXXXXXXX8461
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 #: XXXXXXXXXXXXXXX8461
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.

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

002652

Bijan/Hair

THANH NGOC PHAN TAA
1398 PLYMOUTH AVE
SAN FRANCISCO, CA 94111

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

20:41:52

11/03/2015

11/02/2015

rthwestAirlines@luv.southwest.com>

15 5:45 PM

Merchant ID:

000000

Terminal ID:

372238562881

CREDIT CARD

VISA SALE

XXXXXXXXXXXX2430

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

CREDIT CARD

VISA SALE

CARD #

INVOICE

SEQ #:

Batch #:

SERVER

Approval Code:

Entry Method:

Mode:

0026

0023

001282

0009

04567D

Swiped

Online

CARD #

INVOICE

Batch #:

Approval Code:

Entry Method:

Mode:

MDSE/SERVICES

TIP

\$52.00

\$0.00

PRE-TIP AMT

TIP

TOTAL AMOUNT

126.48

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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: 10/13/2015
TIME: 12:40 PM
FROM: SFO
TO: SNA
CARRIER: SW
CLASS: Y
FARE: \$99

Date	Flight	Departure/Arrival

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Special
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Offers

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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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WiFi & entertainment

Cost and Payment Summary

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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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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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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: 5.60

Fare Rule(s): 5262150862870: 1234.

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



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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
00000217859913
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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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

Page 1 of 1

3/8/16
-H 2075

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

Please detach bottom portion and return with payment.

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: _____



GrH

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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 Las Vegas, NV 89109
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Federal ID No. 88-0263740

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



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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: 1/22/2016 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

4/16/16
2097
E 752.10

002661

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 AM
------------	-----	---

Arrive in LAS VEGAS, NV (LAS) at 10:10 AM

at 10:10 AM

at 10:10 AM

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 <u>Wanna Get Away</u>
------------	-----	--

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.

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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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boarding process

Learn about inflight
WiFi & entertainment

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		

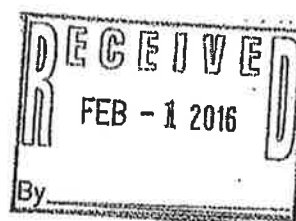
John Houston Scott
Scott Law Firm
1388 Sutter Street
Suite 715
San Francisco, CA 94109

ORIGINAL & ONE CERTIFIED TRANSCRIPT
Leonard Deplazza

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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

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

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

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

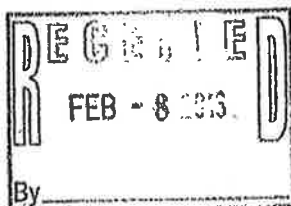
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589.50
TOTAL DUE >>> ~~\$589.50~~

5020

294.25



fax ID: 45-0581340

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

Please detach bottom portion and return with payment.

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

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

emit 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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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
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San Francisco, CA 94109

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		

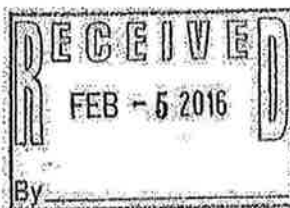
ORIGINAL & ONE CERTIFIED TRANSCRIPT

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.

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. : 24805 Invoice Date : 2/1/2016
Total Due : \$ 533.00

emlt 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	VISA
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
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

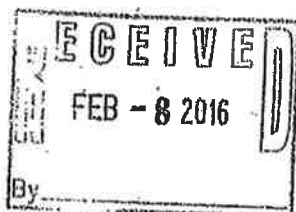
Andre Joseph Long

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:	

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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Online](#)
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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.



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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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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.

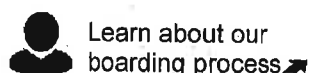
i If you do not plan to travel on your flight: In accordance with Southwest's No Show Policy, you must notify Southwest at least 10 minutes prior to your flight's scheduled departure if you do not plan to travel on the flight. If not, Southwest will cancel your reservation and all funds will be forfeited.

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 XXXXXXXXXXXXX2430
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 90084-3396
 Phone: 800-338-1112 Fax: 762-631-7351

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	Clerk No.	Contract	Case Name	Invoice No.	Invoice Date	Invoice Amount	Payment Received	Payment Received From	Balance
12/22/2015	Nolan Michael Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1044327	1/5/2016	1,075.50			1,183.05
1/8/2016	Aimee Olive Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1046125	1/18/2016	873.25			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	1,893.40			1,051.40
2/16/2016	Heath Hair		Lichtenstein, Esq., Allen	Bryan, et al. vs. CCSD, et al.	1052381	3/2/2016	160.00			760.00
2/16/2016	Gina Abbudato, 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	Edward Fano, 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: 27-5114755

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 212
Las Vegas, NV 89120
Phone: 702-433-2666 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



Shipment Receipt

Bryan/Hairr - Page 1 of 1
 exhibits to Allen's
 Declaration regarding the
 "Motion To Disqualify"

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

002674

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
12/2/2015	Efile Payment	Receipt # 2015-125157-CCCLK	Clark County School District, et al	(\$3.50)
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
1/5/2016	Efile Payment	Receipt # 2016-00877-CCCLK	Clark County School District, et al	(\$3.50)
1/5/2016	Transaction Assessment			\$3.50
1/5/2016	Efile Payment	Receipt # 2016-00906-CCCLK	Clark County School District, et al	(\$3.50)
1/11/2016	Transaction Assessment			\$3.50
1/11/2016	Efile Payment	Receipt # 2016-02616-CCCLK	Clark County School District, et al	(\$3.50)
1/13/2016	Transaction Assessment			\$3.50
1/13/2016	Efile Payment	Receipt # 2016-03788-CCCLK	Clark County School District, et al	(\$3.50)
1/21/2016	Transaction Assessment			\$3.50
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
3/23/2016	Efile Payment	Receipt # 2016-29482-CCCLK	Clark County School District, et al	(\$3.50)
3/24/2016	Transaction Assessment			\$3.50
3/24/2016	Efile Payment	Receipt # 2016-29855-CCCLK	Clark County School District, et al	(\$3.50)
3/24/2016	Transaction Assessment			\$3.50
3/24/2016	Efile Payment	Receipt # 2016-29902-CCCLK	Clark County School District, et al	(\$3.50)
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
4/7/2016	Efile Payment	Receipt # 2016-34549-CCCLK	Clark County School District, et al	(\$3.50)
4/14/2016	Transaction Assessment			\$3.50
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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
5/17/2016	Efile Payment	Receipt # 2016-47876-CCCLK	Clark County School District, et al	(\$3.50)
7/25/2016	Transaction Assessment			\$3.50
7/25/2016	Efile Payment	Receipt # 2016-71205-CCCLK	Clark County School District, et al	(\$3.50)
7/26/2016	Transaction Assessment			\$3.50
7/26/2016	Efile Payment	Receipt # 2016-71557-CCCLK	Clark County School District, et al	(\$3.50)
8/5/2016	Transaction Assessment			\$3.50
8/5/2016	Efile Payment	Receipt # 2016-75561-CCCLK	Clark County School District, et al	(\$3.50)
8/11/2016	Transaction Assessment			\$3.50
8/11/2016	Efile Payment	Receipt # 2016-77728-CCCLK	Clark County School District, et al	(\$3.50)
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: [image removed] (PKB)

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] <[redacted]>

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

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Tracking ID Details

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Tracking ID Summary

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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

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INVOICE

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 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

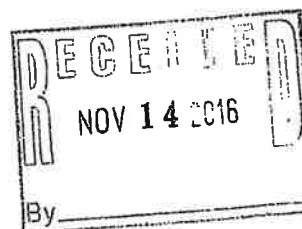
Robert Beasley

46.00

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

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:

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.
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

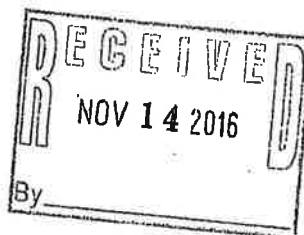
151.00

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:

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.
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

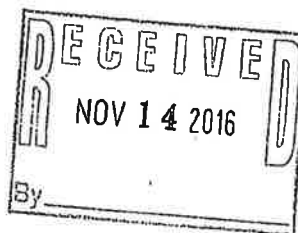
137.00

TOTAL DUE >>>

\$137.00

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. : 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

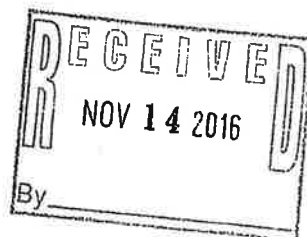
51.00

TOTAL DUE >>>

\$51.00

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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.

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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:

002682

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

SALE

Product ID Description Total

998112 INDEX, READY, 1-

5 @ 5.79

28.95

You Pay

28.95SS

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 ALTORNEY A 332610198

Please create your online rewards

account at officedepot.com/rewards.

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claim your rewards and view your

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survey and receive a coupon for

\$10 off your next qualifying

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office supplies.

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

Team Member: Lester M.

Customer: Allen Lichtenstein

5:33:06 PM PST

Design Paper/Sheet

-25 @

0.25

Returned Item

Sub-Total

(6.25)

Tax

(0.51)

Deposit

0.00

Total

(6.76)

MasterCard (S)

Account: 8461

Auth: SysAuthCode (A)

Total Tender

Change Due

(6.76)

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

Team Member: Lester M.

SALE

Design Paper/Sheet

25 @

0.25

BrdrEcoVw.5inWht 1Ct

5 @

2.99

004413 Reg. Price

2.99

Total

21.20

Regular Total

21.20

Discounts

0.00

Sub-Total

21.20

Tax

1.73

Deposit

0.00

Total

22.93

MasterCard (S)

Account: 8461

Auth: 88628P (A)

Total Tender

Change Due

22.93

0.00

Total Discounts

0.00

**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:	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:			
TRANSCRIPTS WILL NOT BE FILED OR RELEASED UNTIL PAYMENT IS RECEIVED			

002684

002684

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

FedEx Office 

FedEx Office is your destination
for printing and shipping.

5775 S Eastern Ave
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	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	

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

FedEx Office 

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: 8481	
Auth: 51760P (A)	

Total Tender	37.63
Change Due	0.00

002686

FedEx Office

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

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

FedEx Office

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 Print 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: 6130
Auth: 063106 (A)

Total Tender 42.39
Change Due 0.00

SOUTHWEST.COM
RAPID REWARDSManage your account online:
www.chase.com/southwestCustomer Service:
1-800-792-0001Mobile: Visit chase.com
on your mobile browser

ACCOUNT ACTIVITY

(CONTINUED)

Date of Transaction	Merchant Name or Transaction Description	\$ Amount
10/12	RIVERSIDE SEAFOOD RESTAUR SAN FRANCISCO CA	125.92
10/11	THRIFTY CAR RENTAL BOSTON MA	1,155.26
10/13	CCSF MTA IPS PRKNG METER SAN FRANCISCO CA	2.77
10/13	SAM TRUONGS 78 SAN FRANCISCO CA	45.44
10/19	EMBASSY SUITES BOSTON BOSTON MA	296.64
10/12	NEWSLINK 28 BOS E BOSTON MA	23.20
10/13	SOUTHWES 5262150882870 800-435-9792 TX	5.60
110915 1 T	LAS SFO	
10/17	CHEAP PETE'S SF SAN FRANCISCO CA	86.70
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
10/19	CASA LAGUNA INN & LAGUNA BEACH CA	368.00
10/19	SOUTHWES 5262152633162 800-435-9792 TX	11.20
121215 1 S	SFO SNA	
2 S	SNA SFO	
10/19	SOUTHWES 5262152567976 800-435-9792 TX	11.20
112615 1 O	SFO SNA	
2 S	SNA SFO	
10/19	SOUTHWES 5262152643670 800-435-9792 TX	11.20
122715 1 S	SFO SNA	
2 M	SNA SFO	
10/01	F&O-Frank&Oak 855-3765625 DE	167.00
10/20	SOUTHWES 5262152820815 800-435-9792 TX	166.96
120515 1 S	SNA SFO	
2 T	SFO SNA	
10/20	SOUTHWES 5262152838308 800-435-9792 TX	186.96
111715 1 T	SNA SFO	
2 M	SFO SNA	
10/20	SOUTHWES 5262152827685 800-435-9792 TX	186.96
111015 1 T	SNA SFO	
2 M	SFO SNA	
10/20	JETBLUE 2792140001755 SALT LAKE CTY UT	698.52
121915 1 Y	BTV JFK	
2 Y	JFK SFO	
3 YO	SFO JFK	
4 YX	JFK BTV	
10/22	LUX SALON FULLERTON CA	369.24
10/22	CCSF 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 677.759.5828 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 00007419 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

002688

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

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

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

002689

DEPARTMENT CODE LIST

TIME : 09-14-2015 09:28

NO. DEPARTMENT

IT COUNTER

COLOR				TWIN/MONO COLOR		
COPY	PRINT	TOTAL	LIMIT	COPY	PRINT	TOTAL
LL	0	0	0	SMALL	0	0
GE	0	0	0	LARGE	0	0
	0	0	0		0	0

K

COPY	FAX	PRINT	LIST	TOTAL	LIMIT
LL	0	0	0	0	0
GE	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	SMALL	0	0	0	0	0	0
GE	0	0	LARGE	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				TWIN/MONO COLOR		
COPY	PRINT	TOTAL	LIMIT	COPY	PRINT	TOTAL
LL	0	20	20	SMALL	0	0
GE	0	0	0	LARGE	0	0
	0	20	20		0	0

K

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

002690

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		118		0		0	
	0	0	LARGE	0	0	0		0		0		0	
	0	0		0	0	0		118		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	LARGE	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	0	42	0	0	
LARGE	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	0	0	0	0	
LARGE	0	0	0	0	0	0	0	
	0	0	0	0	0	0	0	

002692

DEPARTMENT CODE LIST

TIME : 03-03-2016 17:53

NO. DEPARTMENT

86

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

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

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

002693

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

				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

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

				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

002694

DEPARTMENT CODE LIST

TIME : 06-08-2017 10:33

DEPARTMENT

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	
GE	0	0	0	0	0	
	0	0	0	0	0	0

COMMUNICATION

SCAN COUNTER

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

NO. DEPARTMENT

2 Bryan, Mary/Hairr

- 44-40

T COUNTER

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	
			COPY	NETWORK	COPY	COPY	FAX	NETWORK
	0	0	SMALL	0	0	0	0	0
	0	0	LARGE	0	0	0	0	0
	0	0		0	0	0	0	0

002695

DEPARTMENT CODE LIST

TIME : 09-01-2016 14:18

NO. DEPARTMENT

66

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

46.40

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

CK

	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

002696

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

				FULL COLOR		TWIN/MONO COLOR		BLACK			
				COPY	NETWORK	COPY	COPY	FAX	NETWORK		
TRANSMIT	RECEPTION										
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

				FULL COLOR		TWIN/MONO COLOR		BLACK			
				COPY	NETWORK	COPY	COPY	FAX	NETWORK		
TRANSMIT	RECEPTION										
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		

002697

DEPARTMENT CODE LIST

TIME : 01-04-2017 16:18

PT 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

002698

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

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.

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

www.nvbar.org

**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

002699

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

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

7
 8 **IN THE DISTRICT COURT COURT**
 9 **FOR THE EIGHT JUDICIAL DISTRICT**

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

12 Plaintiffs,

13 v.

14 CLARK COUNTY SCHOOL DISTRICT,

15 Defendant.
 16
 17
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 25

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)

26
 27 Page 1

28 **DECLARATION OF CLYDE DeWITT**

Case Number A-14-700018-C

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.

18 /

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27 Page 6

28 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.

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Clyde DeWitt

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,
such as Mr. Lichtenstein, with over 20 years experience.

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

24 [http://www.callawyer.com/2015/11/how-to-prove-an-attorneys-reasonable-](http://www.callawyer.com/2015/11/how-to-prove-an-attorneys-reasonable-hourly-rates/)
25 [hourly-rates/](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

EXHIBIT B

Order re: Plaintiffs' Motion for Fees and Costs

Electronically Filed
11/16/2017 12:37 PM
Steven D. Grierson
CLERK OF THE COURT



1 Allen Lichtenstein
NV State 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
6 CA Bar No. 72578
Admitted Pro Hac Vice
7 SCOTT LAW FIRM
1388 Sutter Street, Suite 715
8 San Francisco, CA 94109
Tel: 415.561-9601
9 john@scottlawfirm.net

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

DISTRICT COURT

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 (CCSD)

19 Defendant .

Case No. A-14-700018-C

Dept. No. XXVII

**ORDER RE: PLAINTIFFS' MOTION
FOR ATTORNEY'S FEES**

Date of Hearing: 10-4-17

Time of Hearing: 9:00am

20 A hearing was held on October 4, 2017 presided by the Hon. Judge Nancy Allf, in Dept.
21 27, on Plaintiffs' Motion For Attorney's Fees. Dan Polsenberg, Esq, and Dan Waite, Esq.
22 represented the Defendant, and Allen Lichtenstein represented the Plaintiffs. The Court granted
23 fees to Plaintiffs, pursuant to 42 U.S.C 1988, in the following amounts.

	rate per hr.	hrs expended	total
26 Fees for John H. Scott:	\$450	350.00	\$157,500.00
27 Fees for Allen Lichtenstein:	\$450	650.00	\$292,500.00
28 (as a private attorney)			

1	Staci Pratt	\$450	20.80	\$ 9,360.00
2	(as a private attorney)			
3	Fees for the ACLUN	var	47.75	\$11,058.75
4				\$14,298.75
5	Lichtenstein	\$450	7.2	\$3,240.00
6	Pratt	\$450	8.6	\$3,870.00
7	Morgan	\$225	31.95	\$7,188.75

8

9 Total fees

MLA \$470,413.75

\$473,658.75

10 WHEREFORE, Plaintiffs having prevailed in this case, Plaintiffs are hereby awarded

11 attorney's fees in the amount of \$470,413.75 set forth above.

12 Dated this 14 day of November 2017.

13

14

15

16 Nancy L Alf

17 Nancy Alf,

18 District Court Judge, Department 27

19

20 Respectfully submitted by:

21

22 /s/Allen Lichtenstein

23 Allen Lichtenstein

24 Nevada Bar No. 3992

25 ALLEN LICHTENSTEIN LTD.

26 3315 Russell Road, No. 222

27 Las Vegas, NV 89120

28 Tel: 702-433-2666

Fax: 702-433-9591

allaw@lvcoxmail.com

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

EXHIBIT C

Order re: Costs


NEOJ

Daniel F. Polsenberg (State Bar No. 2376)
Dan R. Waite (State Bar No. 004078)
Brian D. Blakley (State Bar No. 13074)
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Pkwy, Suite 600
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Tel: 702.949.8200
Fax: 702.949.8398
DPolsenberg@lrrc.com
DWaite@lrrc.com
BBlakley@lrrc.com

*Attorneys for Defendants Clark County School
District (CCSD), Warren P. McKay, Leonard DePiazza,
Cheryl Winn, John Halpin, Robert Beasley*

DISTRICT COURT**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
(CCSD); *et al.*,

Defendants.

Case No. A-14-700018-C

Dept. No. XXVII

**NOTICE OF ENTRY OF "ORDER
ON CCSD'S MOTION TO RETAX
MEMORANDUM OF COSTS AND
DISBURSEMENTS"**

Date of Hearing: September 6, 2017

Time of Hearing: 9:00 a.m.

Please take notice that on the 15th day of September, 2017, an "Order on CCSD's Motion to Retax Memorandum of Costs and Disbursements" was entered in this case. A copy of the order is attached.

Dated, this 19th of September, 2017

Lewis Roca Rothgerber Christie LLP

By: /s/ Brian Blakley

Daniel F. Polsenberg (SBN 2376)

Dan R. Waite (SBN 4078)

Brian D. Blakley (SBN 13074)

3993 Howard Hughes Pkwy, Suite 600

Las Vegas, NV 89169-5996

Attorneys for CCSD

CERTIFICATE OF SERVICE

I certify that on September 19, 2017, I served the foregoing "Notice of Entry of Order on CCSD's Motion to Retax Memorandum of Costs and Disbursements" through the Court's electronic filing system, by U.S. Mail, postage prepaid, and by courtesy e-mail to the following counsel:

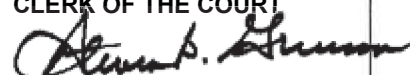
Allen Lichtenstein, Esq.
 Staci Pratt, Esq.
 ALLEN LICHTENSTEIN ATTORNEY AT LAW, LTD.
 3315 Russell Road, No. 222
 Las Vegas, Nevada 89120
allaw@lvcoxmail.com
Attorneys for Plaintiffs

John Houston Scott, Esq.
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john@scottlawfirm.net
Attorneys for Plaintiffs
(Admitted Pro Hac Vice)

/s/ Luz Horvath
 An Employee of Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

Lewis Roca
 ROTHGERBER CHRISTIE



1 **ORD**

2 Daniel F. Polsenberg (State Bar No. 2376)
3 Dan R. Waite (State Bar No. 004078)
4 Brian D. Blakley (State Bar No. 13074)
5 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**
6 3993 Howard Hughes Pkwy, Suite 600
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8 Tel: 702.949.8200
9 Fax: 702.949.8398
10 DPolsenberg@lrrc.com
11 DWaite@lrrc.com
12 BBlakley@lrrc.com

13 *Attorneys for Defendants Clark County School*
14 *District (CCSD), Warren P. McKay, Leonard DePiazza,*
15 *Cheryl Winn, John Halpin, Robert Beasley*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

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

21 Plaintiffs,

22 vs.

23 **CLARK COUNTY SCHOOL**
24 **DISTRICT (CCSD); et al.,**

25 Defendants.

Case No. A-14-700018-C

Dept. No. XXVII

**ORDER ON CCSD'S MOTION
TO RETAX MEMORANDUM
OF COSTS AND
DISBURSEMENTS**

Date of Hearing: September 6, 2017

Time of Hearing: 9:00 a.m.

On September 6, 2017, the Court heard argument on CCSD's motion to retax memorandum of costs and disbursements. Plaintiffs were represented by Allen K. Lichtenstein, and CCSD was represented by Brian D. Blakley. Based on the papers and pleadings on file and counsels' arguments, the Court now rules as follows:

1. The motion is GRANTED IN PART and DENIED IN PART, as specified below.
2. The Court disallows the \$4,160.58 in costs that plaintiffs expressly abandoned in their opposition brief and revised memorandum of costs.

3. The Court disallows \$808.60 in printing costs, because these costs are not adequately explained in the memorandum of costs and supporting documentation.
4. The Court disallows \$404.46 in unexplained, duplicative deposition costs.¹
5. The Court finds that videotaped depositions can be useful at trial and that videography costs are reimbursable under NRS 18.005(2). Accordingly, the costs for videographers' fees are allowed.²
6. The Court disallows \$75.47 in costs for media-related copies, as these costs were neither reasonable nor necessary to prosecute this case.
7. The Court disallows \$32.49 and \$115.11 in FedEx costs, as these costs are neither adequately explained, reasonable, nor necessary.

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8. In total, the Court disallows \$5,596.71 of the \$24,832.90 in costs that plaintiffs sought in their original memorandum of costs.
9. Therefore, after subtracting the disallowed costs, the Court finds that plaintiffs are entitled to \$19,236.19 in costs.

IT IS SO ORDERED

Dated: September 15, 2017


 NANCY L. ALLF
 District Court Judge
 AE

Respectfully submitted by:

Approved as to form and content:

Lewis Roca Rothgerber Christie LLP

Allen Lichtenstein, Ltd.

By: /s/ Brian Blakley
 Daniel F. Polsenberg (SBN 2376)
 Dan R. Waite (SBN 4078)
 Brian D. Blakley (SBN 13074)
 3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

By: /s/ Allen Lichtenstein
 Allen Lichtenstein (SBN 3992)
 3315 Russell Road, No. 222
 Las Vegas, NV 89120

Attorney for Plaintiffs

Attorneys for CCSD

3993 Howard Hughes Pkwy, Suite 600
 Las Vegas, NV 89169-5996

Lewis Roca
 ROTHGERBER CHRISTIE

EXHIBIT D

Declaration of Allen Lichtenstein

1 Allen Lichtenstein (NV State Bar No. 3992)
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 4 Las Vegas, NV 89120
 5 Tel: 702.433-2666
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8 John Houston Scott (CA Bar No. 72578)
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 11 1388 Sutter Street, Suite 715
 12 San Francisco, CA 94109
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 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 31 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 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. In addition to the sum of \$292,500, representing 650 hrs of work at \$450 per hour,
15 for pre remand fees, which was granted by this Court in its 11/16/19 Order, in addition, post-
16 remand, I also worked for 10.80 hours at the same \$450 rate for an additional \$4,860.

17 I hereby affirm that the foregoing is true and correct, and this Declaration is executed
18 under penalty of perjury this 18th day of Septembe in Las Vegas, Nevada.

19
20
21
22 /s/Allen Lichtenstein
23 Allen Lichtenstein
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27
28

Allen Lichtenstein
 Attorney at Law
 3315 Russell Road, No. 222
 Las Vegas, NV 89120

Invoice submitted to:
 Bryan & Hairr (Post Remand)

July 16, 2021

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
2/17/2021 Hearing	0.50 450.00/hr	225.00
2/25/2021 Hearing	0.50 450.00/hr	225.00
3/24/2021 Draft proposed findings of fact	1.70 450.00/hr	765.00
3/26/2021 Draft plaintiff's proposed conclusions of law	2.90 450.00/hr	1,305.00
4/15/2021 Draft plaintiff's objections to defendant's proposed conclusions of law	3.10 450.00/hr	1,395.00
4/16/2021 Reviewed defendant's response	0.70 450.00/hr	315.00
5/7/2021 Reviewed minute order	0.10 450.00/hr	45.00
6/16/2021 Reviewed order	0.10 450.00/hr	45.00
6/27/2021 Draft notice of entry of order	0.20 450.00/hr	90.00
7/11/2021 Draft fee motion	1.00 450.00/hr	450.00
For professional services rendered	10.80	\$4,860.00

Bryan & Hairr (Post Remand)

Page 2

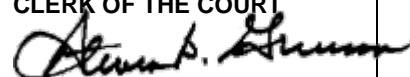
For your convenience we accept all credit cards for payment. Please call Paula at (702)433-2666 to charge all or any portion of your bill.

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OPPM

DANIEL F. POLSENBERG (SBN 2376)
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*Attorneys for Defendant Clark County School
District (CCSD)*

DISTRICT COURT**CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

CLARK COUNTY SCHOOL DISTRICT
(CCSD)

Defendant.

Case No. A-14-700018-C

Dept. No. XXVII

**DEFENDANT'S OPPOSITION TO
"PLAINTIFFS' MOTION FOR
ATTORNEYS FEES AND COSTS"**

Date of Hearing: August 19, 2021

Time of Hearing: 9:30 a.m.

INTRODUCTION

Plaintiffs' Complaint asserted 69 claims against 27 defendants—yet, plaintiffs prevailed at trial on just 2 claims against 1 defendant. That equates to a success rate of less than 3% (and includes a success rate of 0% against 26 defendants). More particularly, plaintiffs asserted so many claims against so many defendants that a chart is needed to keep them straight (the bolded/underlined claims are the only two claims that plaintiffs prevailed on at trial):

////

////

<u>Defendants</u>	<u>Claims for Relief</u>
1. Clark County School District	1, 2, <u>3</u> , 4, <u>5</u>
2. Pat Skorkowsky, in his official capacity	1, 2, 4, 5
3. CCSD Board of Trustees	1, 2, 4, 5
4. Erin Cranor, in her official capacity	1, 2, 4, 5
5. Linda Young, in her official capacity	1, 2, 4, 5
6. Patrice Tew, in her official capacity	1, 2, 4, 5
7. Stavan Corbett, in his official capacity	1, 2, 4, 5
8. Carolyn Edwards, in her official capacity	1, 2, 4, 5
9. Chris Garvey, in her official capacity	1, 2, 4, 5
10. Deanna Wright, in her official capacity	1, 2, 4, 5
11. Greenspun Junior High School	1, 2, 4, 5
12. Warren McKay, individually	?
13. Warren McKay, in his official capacity	1, 2, 4, 5
14. Leonard DePiazza, individually	?
15. Leonard DePiazza, in his official capacity	1, 2, 4, 5
16. Cheryl Winn, individually	?
17. Cheryl Winn, in her official capacity	1, 2, 4, 5
18. John Halpin, individually	?
19. John Halpin, in his official capacity	1, 2, 4, 5
20. Robert Beasley, individually	?
21. Robert Beasley, in his official capacity	1, 2, 4, 5
22. Nevada Equal Rights Commission	6
23. Kara Jenkins, individually	?
24. Kara Jenkins, in her official capacity	6
25. Dennis Perea, individually	?
26. Dennis Perea, in his official capacity	6
27. NV Dept. of Empl., Training, & Rehab.	6
Total Number of Claims Asserted:	69 ¹

After plaintiffs won on just 2 claims and against just 1 defendant at trial, they moved for a \$716,691.06 fee award, under 42 U.S.C. § 1988's "prevailing party" provision. (Pls' Original Fee Mot., Aug., 9, 2017). CCSD opposed that motion and showed that plaintiffs' total fee award should not

¹ Although plaintiffs' Complaint names several defendants in their individual and official capacities, the Complaint does not identify which claims are asserted against the individual-capacity defendants. Therefore, the calculation of 69 asserted claims does not include any claims that plaintiffs asserted against the individual-capacity defendants. However, plaintiff presumably intended to assert *at least* one claim against each of the seven individual-capacity defendants. Such would bring the total number of asserted claims to *at least* 76.

1 exceed \$171,883.20 (CCSD’s “Original Opposition”). (Opp’n, Aug. 28, 2017).
2 CCSD reached this number by calculating the appropriate lodestar of \$214,854
3 and then applying a 20% reduction under the controlling “partial success” test.
4 (*Id.* at 27-30 (applying *Hensley v. Eckerhart*, 461 U.S. 424, 440 (1983)). After
5 the briefing on the original motion, the Court entered an original fee award of
6 \$470,418.75. (Order, Nov. 16, 2017).

7 On appeal, the Nevada Supreme Court reversed 1 of the 2 claims
8 outright, and it reversed and remanded the only other remaining claim for
9 additional findings on liability. *Clark Cty. Sch. Dist. v. Bryan*, 136 Nev. ___,
10 478 P.3d 344 (Dec. 24, 2020). That ruling vacated this Court’s judgment, along
11 with its award of damages, fees, and costs, and left those issues to be decided
12 on remand, if necessary. *See id.*

13 On remand, this Court adopted the parties’ jointly proposed findings of
14 fact and the plaintiff’s proposed conclusions of law. But, the Court has not yet
15 entered any judgment on remand. Thus, there is currently no judgment in this
16 case (let alone any judgment amount). Yet, plaintiffs now move the Court to
17 re-enter the original \$470,418.75 fee award and to make an upward
18 adjustment of \$6,480, as compensation for counsel’s post-remand work, for a
19 new total of \$476,898.75. (Post-Remand Fee Mot., July 18, 2021, at 25) (the
20 “Motion”).² The Motion fails for at least three reasons: (1) the motion is
21 premature, i.e., until a judgment enters, there is no “prevailing party” and no
22 way to measure the extent of the “prevailing party’s” success; (2) on remand,
23 plaintiffs’ “success” is—at most—half of what it was following trial, meaning
24 an additional downward adjustment for “partial success” is necessary; and (3)
25 plaintiffs are not entitled to any fees they incurred as a result of losing the
26 appeal.

27 ² At one point in their brief, plaintiffs contend they seek a new total of
28 \$474,778.75, reflecting an upward adjustment of \$4,360. (*See* Post-Remand
Fee Mot., July 18, 2021, at 8). So, it is unclear which of the two upward
adjustment amounts plaintiffs actually seek.

1 ***A. Without a judgment, the fee motion is premature***

2 At this stage, any motion for fees is unripe. Without a judgment (and a
3 judgment amount) from this Court, plaintiffs have not “prevailed” at all,
4 meaning there is no basis for any fee award under § 1988. *See* 42 U.S.C. § 1988
5 (the Court has discretion to award “reasonable” fees to parties who “prevail” on
6 certain civil rights claims). Thus, the requested fee award is currently
7 impossible to evaluate. (*Id.*).

8 Further, without a specific judgment amount, the Court cannot
9 determine whether—or to what extent—a downward adjustment is required
10 under *Hensley*’s controlling “partial success” test. *See, e.g., Hensley*, 461 U.S. at
11 440 (“[T]he extent of a plaintiff’s success is a *crucial* factor in determining the
12 proper amount of an award of attorney fees under 42 U.S.C. § 1988.”); *see also*
13 Original Opp’n, Aug. 28, 2017 (applying *Hensley* and its progeny, including
14 cases with downward adjustments based on the size of the judgement as
15 compared to the scope of the litigation as a whole). Quite simply, there is
16 currently no “success” to measure, because there is no judgment amount. So,
17 all other defects aside, plaintiffs have put the cart before the horse.

18 Accordingly, CCSD requests that either (1) the Motion be denied,
19 without prejudice, as premature, or (2) briefing on the Motion be stayed until
20 after the Court enters a judgment. Still, in an abundance of caution, CCSD
21 will briefly respond, in the next sections, to the amount of fees requested.

22 ***B. As a result of the appeal, an additional reduction is necessary to***
23 ***account for plaintiffs’ further reduced “partial success”***

24 CCSD continues to oppose the original \$470,418.75 fee award—and
25 maintains that a significant reduction is necessary—for all of the reasons
26 demonstrated in its Original Opposition. (Opp’n, Aug. 28, 2017). So, instead of
27 burdening the docket by copying-and-pasting all of those arguments into this
28 brief, CCSD incorporates them by this reference as though they were expressly

1 restated here. For the Court's convenience, CCSD has also attached its
2 Original Opposition as **Exhibit 1**.

3 As the Original Opposition demonstrates, the original fee award
4 (following trial) should have been reduced to \$171,883.20. (*Id.*). And now, post-
5 remand, an additional "partial success" reduction is necessary. That is, after
6 the appeal, plaintiffs won even less of the case than before, so their fees should
7 be even less than before.

8 Specifically, the original fee award was calculated, in part, using
9 *Hensley's* "partial success" test. *See* 461 U.S. at 440. Under that test, the size
10 of a § 1988 fee award is tied to the degree of success plaintiffs achieved. *Id.* A
11 full lodestar is appropriate only where "a plaintiff obtained excellent results,"
12 and a reduction is required where the plaintiff achieves only "partial or limited
13 success." *Id.* Such success is determined by comparing the claims filed and the
14 damages sought against the claims won and the damages obtained. (*See*
15 Original Opp'n, Ex. 1 (explaining and applying *Hensley* and its progeny)).
16 Following trial, the "partial success" test should have resulted in a significant
17 reduction to plaintiff's lodestar. (*Id.*).

18 As demonstrated in the Original Opposition, a substantial "partial
19 success" reduction was warranted because, in this lawsuit, plaintiffs asserted
20 a total of 69 claims against 27 defendants and sought \$1.2 million in damages,
21 but at trial, they prevailed on just 2 claims against just 1 defendant, and they
22 won a total of \$400,000 (\$200,000 per plaintiff)—33% of the damages they
23 sought. (*Id.*) They obtained *none* of the declaratory or injunctive relief
24 plaintiffs originally sought. They obtained *none* of the monetary relief they
25 sought against 26 of the 27 original defendants. Thus, they did not achieve
26 the "excellent result" described in *Hensley*, meaning they did not qualify for a
27 full lodestar award. (*Id.*). Rather, and at most, they achieved a "partial or
28

1 limited success,” requiring a downward adjustment under the *Hensley* test.
2 (*Id.*).

3 On appeal, however, plaintiffs’ “limited success” was cut in half.
4 Specifically, the Supreme Court reversed 1 of the 2 surviving claims outright,
5 and it reversed and remanded the other for additional findings. *See Bryan*, 136
6 Nev. ___, 478 P.3d 344. This means that even if plaintiffs are successful on
7 remand, they cannot “prevail” on anything more than their 1 remaining claim
8 against the 1 remaining defendant.

9 This is the smallest amount of “success” a plaintiff could possibly achieve
10 while remaining eligible for a fee award, because a plaintiff must always
11 “prevail” on at least 1 claim against 1 defendant to qualify for “prevailing
12 party” fees under § 1988. *See* 42 U.S.C. § 1988. So, plaintiffs’ “success” is now
13 limited to the minimum possible for any fee award. Thus, because plaintiffs’
14 already “limited success” was cut in half by the Nevada Supreme Court, a
15 further “partial success” reduction is now warranted. For that reason alone,
16 the fee award must be less, not more, than it was before.

17 ***C. Plaintiffs lost on appeal—they are not entitled to any post-***
18 ***remand fees***

19 Finally, plaintiffs’ request for an additional award of \$6,480 for post-
20 remand work is meritless. Plaintiffs lost on appeal. Thus, any and all of
21 plaintiffs’ post-remand fees were necessitated not because they won the appeal
22 but rather because they lost the appeal. CCSD has no obligation to pay fees
23 resulting from plaintiffs’ loss before the Nevada Supreme Court, and plaintiffs
24 cite nothing to the contrary. Indeed, fees resulting from a loss on appeal
25 cannot possibly be construed as “prevailing party” fees, meaning they are not
26 available under § 1988. *See Dep’t of Educ., State of Hawaii v. Rodarte ex rel.*
27 *Chavez*, 127 F. Supp. 2d 1103, 1115 (D. Haw. 2000) (Under § 1988, “[a]n
28

1 appellee is no longer a ‘prevailing party’ when a favorable judgment on the
2 merits in a lower proceeding is reversed on appeal.”).

3 Put differently, plaintiffs do not and cannot present any authority for
4 the proposition that the winner on appeal must pay the loser any fees incurred
5 as a result of the appellate court’s decision. Thus, this Court should reject any
6 upward adjustment for post-remand work.

7 CONCLUSION

8 The Court should deny the Motion as premature (or stay briefing
9 until a judgment is entered), but in the event the Court proceeds, it should
10 further reduce the fee award. The Court should not make any upward
11 adjustment for work done as a result of plaintiffs’ loss before the Nevada
12 Supreme Court. As a result of the appeal, plaintiffs won even less of the case
13 than before, so their fees should be even less than before.

14 Dated this 2nd day of August, 2021.

15 LEWIS ROCA ROTHGERBER CHRISTIE LLP

16 By: /s/ Dan R. Waite

17 DANIEL F. POLSENBERG (SBN 2376)

18 DAN R. WAITE (SBN 4078)

19 BRIAN D. BLAKLEY (SBN 13074)

20 *Attorneys for Defendant*

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Dated this 2nd day of August, 2021.

LEWIS ROCA

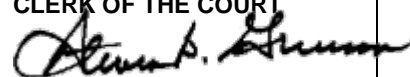
EXHIBIT 1

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EXHIBIT 1

Electronically Filed
8/28/2017 5:15 PM
Steven D. Grierson
CLERK OF THE COURT



OPPM

DANIEL F. POLSENBERG (SBN 2376)
DAN R. WAITE (SBN 4078)
BRIAN D. BLAKLEY (SBN 13074)
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*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 OPPOSITION TO PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES AND
COSTS**

**Hearing Date: September 13, 2017
Hearing Time: 9:00 a.m.**

3993 Howard Hughes Pkwy, Suite 600
Las Vegas, NV 89169-5996

Lewis Roca
ROTHGERBER CHRISTIE

INTRODUCTION

Plaintiffs' demand for nearly \$700,000 in attorney fees is beyond excessive. Section 1988 does not permit an award of the highest conceivable hourly rate for every vaguely-described task counsel performed. Rather, it permits a reasonable award of attorney fees at local market rates.

Under § 1988, the Court performs two calculations to determine a reasonable award. *See, e.g., Hensley v. Eckerhart*, 461 U.S. 424, 433-438 (1983). First, it calculates the lodestar, by multiplying the hourly rate for similarly experienced local attorneys in similar cases by the number of hours "reasonably expended" in the litigation. *Id.*; *Blum v. Stenson*, 465 U.S. 886, 897 (1984). Second, after the lodestar is calculated, the court determines if the plaintiffs achieved only "partial or limited success." If they did, the court adjusts the lodestar downward as directed by *Hensley* and its progeny. *See, e.g.*, 461 U.S. at 436; *Schwarz v. Sec'y of Health & Human Servs.*, 73 F.3d 895, 901-906 (9th Cir. 1995).

When performing these calculations, the Court is free to either: (1) make line-by-line cuts to the time records; or, (2) as is commonly done, reduce the award on an appropriate percentage basis. *E.g., Schwarz*, 73 F.3d at 905. As the Supreme Court recently explained, "[t]he essential goal in shifting fees (to either party) is to do rough justice, not to achieve auditing perfection." *Fox v. Vice*, 563 U.S. 826, 838 (2011) (citing *Hensley*). Thus, "trial courts may take into account their overall sense of a suit, and may use estimates in calculating and allocating an attorney's time." *Id.*

Reasonably calculated, the lodestar is \$214,854

Here, plaintiffs' lodestar calculation is so unreasonable that its only conceivable purpose is to anchor the Court to such a high number that even a large reduction more than fairly compensates plaintiffs' counsel. Such manipulation should not be rewarded.

First, plaintiffs demand hourly rates that are more than double the prevailing Nevada rate for similarly experienced lawyers in civil rights cases. *Infra* Part I.A.

And plaintiffs fall far short of meeting their burden to establish otherwise. Thus, the Court should reduce the requested hourly rates to the prevailing Las Vegas market rate of \$250.00.

Second, the Court should cut counsel's claimed hours by at least 20%. Their time records seek compensation for numerous duplicative, needless tasks and other non-compensable work. *Infra* Part I.B. Moreover, many of their time entries are so vague that the *Hensley*-required reasonableness analysis is impossible. *Infra* Parts I.B.3-6. Similarly, it is clear that Attorney Lichtenstein recorded many of his time entries long after the events they describe. *Infra* Part I.B.5. Such non-contemporaneous entries are inherently unreliable. As a result of the non-compensable time and deficient records, a modest hours reduction of at least 20% is more than reasonable. Indeed, courts regularly cut much more under similar circumstances. Accordingly, the lodestar should be calculated as follows:

Attorney	Nevada Hourly Rate	Hours	20% Hours Reduction	Total
Lichtenstein	\$250.00	690.77	.80	\$138,154
Scott	\$250.00	383.50	.80	\$76,700

Under the partial-success rule, the Lodestar should be reduced by 20%

Then, *Hensley*'s "partial-success" rule requires adjusting the lodestar downward by at least 20%. *Infra* Part II. Specifically, the lodestar should be reduced by 5% for work performed on the unsuccessful, "unrelated" claim against the Nevada Equal Rights Commission.

Likewise, the lodestar should be reduced by another 15% due to plaintiffs' "partial success" in this litigation. Among other things, they prevailed against only 1 of 20 defendants named in the original Complaint (only 1 of 15 defendants named in the First Amended Complaint); they lost on 4 of their 6 claims; failed to obtain any of the declaratory, injunctive, or punitive relief they sought; and were awarded only

33% of the compensatory award they requested. Indeed, their victory was partial at best, meaning a 15% adjustment is more than appropriate. Thus, the total fee award should be calculated by multiplying the lodestar figure by 80%:

Attorney	Lodestar	20% “Partial Success” reduction	Total
Lichtenstein	\$138,154	.80	\$110,523.20
Scott	\$76,700	.80	\$61,360.00

Finally, the Court should reject plaintiffs’ argument that the “complex” nature of this case justifies their proposed, excessive award. This case was not complex at all. *Infra* Part III. It did not require a single expert, and—until this motion—plaintiffs themselves described it as “garden variety.” Thus, the combined fee award for Attorneys Lichtenstein and Scott should not exceed \$171,883.20.

ARGUMENT

I. THE LODESTAR CALCULATION DEMANDS A SIGNIFICANT REDUCTION IN THE REQUESTED FEE AWARD

In Title IX and § 1983 actions, the Court, “in its discretion, may allow the prevailing party . . . a reasonable attorney’s fee as part of the costs.” 42 U.S.C. § 1988 (emphasis added). To determine a “reasonable attorney’s fee,” the Court begins with a lodestar calculation. *Hensley*, 461 U.S. at 433; *Blum v. Stenson*, 465 U.S. 886, 897 (1984). This requires the Court to multiply a reasonable hourly rate for the services performed by the number of hours reasonably expended in the litigation. *Id.* This calculation provides an objective basis on which to make an initial estimate of the value of a lawyer's services. *Hensley*, 461 U.S. at 433, 103 S. Ct. at 1939. The party seeking fees bears the burden of supporting the hours allegedly worked and the hourly rates claimed. *Id.*

Here, the requested hourly rates are beyond excessive and inadequately supported. Indeed, plaintiffs claim too much and prove too little. Moreover, plaintiffs

1 seek fees for duplicative and otherwise non-compensable tasks, and many of the time
 2 entries are so vague that the required reasonableness analysis is impossible. Thus, to
 3 calculate the lodestar, the Court should cut counsel's proposed, astronomical rates
 4 (which they have never charged in Nevada), to the prevailing Nevada rate. Then, it
 5 should cut the claimed hours by at least 20%.

6 **A. The Requested Hourly Rates**
 7 **Should Be Significantly Reduced**

8 The first lodestar step is to determine the attorneys' reasonable hourly rates
 9 "according to the prevailing market rates in the relevant community[.]" *Blum*, 465
 10 U.S. at 895-96 & n.11 (1984). This is the rate commonly charged in the local legal
 11 community. *Id.* Here, Attorneys Lichtenstein and Scott hope for hourly rates of
 12 \$600.00 and \$650.00 respectively. (Mot. at 24). This is more than double the
 13 "prevailing market rate" for Las Vegas litigators with similar experience and
 14 reputations. In fact, the prevailing Las Vegas rates for similar attorneys in similar
 15 civil rights cases is \$250.00. *Infra* Part I.A.2. Further, the requested rates are
 16 inadequately supported. Plaintiffs' lawyers have never charged paying clients such
 17 excessive rates in Nevada, and they submitted no evidence suggesting they ever
 18 could. Moreover, even their single, supportive declaration suggests that the proposed
 19 fee award is excessive.

20 **1. The proposed rates are more than**
 21 ***double the prevailing Las Vegas rates***
 22 ***for similarly experienced litigators***

23 Plaintiffs agree that, to determine a reasonable hourly rate, the Court must
 24 determine "what the lawyer would receive if he were selling his services in the
 25 market rather than being paid by court order." (Mot. at 16:7-9 (quoting *Continental*
 26 *Sec. Litig.*, 962 F.2d 566, 568 (7th Cir. 1992) (Posner, J.)). Simply put, "[t]he
 27 reasonable hourly rate is the rate a paying client would be willing to pay." *Arbor Hill*
 28 *v. Cty. of Albany*, 522 F.3d 182, 190 (2d Cir. 2008). Accordingly, in this case, the

1 Court must determine what hourly rate these attorneys could actually charge a Las
 2 Vegas client for the services they performed here. Certainly, they could not charge
 3 (and have not charged) a Las Vegas litigant an hourly rate of \$600.00 or \$650.00.

4 Recent federal cases surveying Nevada rates demonstrate that the “prevailing
 5 rate” for partners with 20-40 years of experience ranges from \$250.00–\$375.00. *E.g.*,
 6 *Home Gambling Network, Inc. v. Piche*, 2015 WL 1734928, at *10–11 (D. Nev. Apr.
 7 16, 2015) (surveying Nevada cases and awarding, for example, \$268.00 for a
 8 litigation attorney with “20+ years” of experience; \$361.71 for a specialist in complex
 9 patent and IP litigation with “30+ years” of experience; and \$95.00 for a “newly
 10 licensed” attorney); *Fifty-Six Hope Rd. Music, Ltd. v. A.V.E.L.A., Inc.*, 2017 WL
 11 44942, at *1 (D. Nev. Jan. 4, 2017) (surveying Nevada cases and awarding \$325 for
 12 partners and \$250 for associates); *Dentino v. Moiharwin Diversified Corp.*, 2017 WL
 13 187146, at *2 (D. Nev. Jan. 17, 2017) (surveying Nevada cases and awarding \$350 for
 14 partners; \$250 for associates; and \$125 for paralegals); *Chemeon Surface Tech., LLC*
 15 *v. Metalast Int’l, Inc.*, 2017 WL 2434296, at *1 (D. Nev. June 5, 2017) (surveying
 16 Nevada cases and awarding \$375 for a partner; \$250 for an associate; and \$125 for a
 17 paralegal).

18 For example, Nevada’s U.S. District Court recently awarded 27-year
 19 attorney—and current Lieutenant Governor—Mark Hutchison an hourly rate of
 20 **\$268.00**. *Home Gambling Network*, 2015 WL 1734928, at *10–11. Relevant to this
 21 case, Lt. Governor Hutchison (1) graduated from law school in 1990, the same year as
 22 Attorney Lichtenstein; (2) is a named partner at a major Las Vegas law firm; and (3)
 23 specializes in, among other things, constitutional litigation.¹ Indeed, Lt. Governor
 24 Hutchison has at least as much experience as Attorney Lichtenstein, and he was
 25 awarded \$268.00—less than half the rate (approximately 45%) of the \$600 rate
 26 Attorney Lichtenstein proposes here.

1 ¹ See <http://www.hutchlegal.com/attorney/mark-a-hutchison>

1 **2. *The prevailing Las Vegas rate for a 27-year attorney***
2 ***in a bullying-based civil rights case is \$250.00***

3 Further, and relevant to this exact case, defense attorney Dan Waite charged
4 and collected an hourly rate of **\$250.00**, as CCSD's co-lead counsel. (Waite Decl., at ¶
5 9, Ex. 1). This reflects the hourly rate Las Vegas clients will actually pay for a 27-
6 year litigator to handle a civil rights case like this one.

7 Like Attorney Lichtenstein and Lt. Governor Hutchison, Attorney Waite
8 graduated from law school in 1990. (*Id.* ¶ 3). And, like them, he has over 27 years of
9 local litigation experience (*Id.* ¶¶ 4-6). Moreover, he (1) is the former managing
10 partner of Lewis Roca Rothgerber Christie's Las Vegas Office; (2) holds an
11 "AV/Preeminent Attorney" rating by Martindale-Hubbell; and (3) has been included
12 in several editions of *The Best Lawyers in America*. (*Id.* ¶¶ 7-8).

13 Currently, he serves as co-lead counsel on this case and in the only other Las
14 Vegas civil rights cases arising from allegations of student-on-student bullying. (*Id.* ¶
15 10). Not surprisingly, he charges the same \$250.00 hourly rate in both cases (*id.* ¶
16 11), because it reflects what the market will bear for such civil rights work.

17 Simply put, Attorney Waite has at least as much experience as Attorney
18 Lichtenstein, both temporally and with respect to bullying civil-rights cases. For
19 Attorney Waite's services, the Las Vegas market bore an hourly-rate of less than 42%
20 of the rate Attorney Lichtenstein proposes. Further, unlike Attorney Lichtenstein's
21 \$600.00 dream rate, Attorney Waite's \$250.00 billed-and-collected rate reflects what
22 similarly-experienced Las Vegas litigators, with similar accolades, can actually
23 charge a paying client, in a case like this one. Thus, according to plaintiffs' own
24 argument, the \$250.00 rate exemplifies the "reasonable hourly rate," because it
25 reflects what a 27-year Las Vegas lawyer would "receive if he were selling his
26 services in the market rather than being paid by court order." (Mot. at 16:7-9
27 (quoting *Continental Sec. Litig.*, 962 F.2d at 568). Indeed, Attorney Waite's rate
28

demonstrates, with precision, the prevailing Las Vegas rate for a litigator with 27 years of experience in a bullying civil rights case.

Moreover, courts are appropriately skeptical when, as here, a fee applicant's hoped-for rate is materially higher than the hourly rate charged by opposing counsel. *See, e.g., Andrade v. Jamestown Hous. Auth.*, 82 F.3d 1179, 1190 (1st Cir. 1996). For this reason, "the court is entitled to rely upon its own knowledge of attorney's fees in its surrounding area in arriving at a reasonable hourly rate, as well as the defense attorneys' rates." *Andrade v. Jamestown Hous. Auth.*, 82 F.3d 1179, 1190 (1st Cir. 1996) (emphasis added). Here, when compared to Attorney Waite's Las Vegas rate, plaintiffs' counsel demands rates that are 158% and 161% higher. This is beyond excessive.

3. *Attorney Lichtenstein has never charged such excessive rates, and he failed to meet his evidentiary burden*

Attorney Lichtenstein bore the burden of proving that an attorney of his reputation and experience could actually collect \$600.00 an hour in Las Vegas. Faced with this burden, he did not even try to argue—let alone prove—that he has ever charged—much less collected—such an astronomical rate. This further confirms that the rate is unreasonable. Worse, however, Attorney Lichtenstein did not even try to identify a single, similarly-situated Nevada lawyer who charges \$600.00 for this kind of civil rights work. Thus, he fell far short of satisfying his evidentiary burden.

4. *Even if Attorney Scott has charged his proposed rate in San Francisco, he did not and could not charge such an excessive rate in Las Vegas*

Unlike Attorney Lichtenstein, Attorney Scott attempts to substantiate his claimed rate, but his evidence is inadequate and irrelevant. Specifically, he asserts—in his declaration—that he was once awarded a San Francisco rate of \$725.00. (Scott Decl., at ¶25). This, however, is irrelevant here in Las Vegas.

1 First, the fee award Attorney Scott cites is supported by several nonparty
2 declarations and federal decisions stating that \$725.00 is a customary San Francisco
3 rate for similarly experienced lawyers. (J. Scott Decl., Ex. C, *A.D. v. State of*
4 *California Highway Patrol*, 2013 WL 6199577, at *6 (N.D. Cal. Nov. 27, 2013)). But a
5 customary San Francisco rate is not a customary Las Vegas rate. Instead, as
6 demonstrated above, \$250.00 is a customary Las Vegas rate for similarly experienced
7 attorneys litigating similar civil rights cases. *Supra* part I.A.2.

8 The Las Vegas market simply does not support rates nearly as high as those
9 charged in San Francisco. In fact, the very order Attorney Scott cites makes clear
10 that Bay Area rates are so high that even Washington D.C. rates are not comparable.
11 *Id.* (rejecting a “formulaic attorneys’ fees schedule used in the District of Columbia”).
12 Here, the controlling “community” is not San Francisco; it is Las Vegas, *Blum*, 465
13 U.S. at 895-96 & n.11, and the customary rate for this kind of work in Las Vegas is
14 \$250.00. Thus, Attorney Scott’s prior San Francisco fee award is irrelevant, and he
15 has failed to carry his burden to establish that Las Vegas would support a \$650 rate.

16 **5. *The attorneys refuse to disclose the hourly rates***
17 ***they actually contemplated at the outset of the case***

18 Further, none of plaintiffs’ attorneys attached their retainer agreement with
19 plaintiffs. These agreements presumably include a standard termination provision
20 that requires the payment of a specified hourly-rate, for past work, in the event that
21 plaintiffs terminate the representation prior to completion. Virtually all contingency
22 agreements include some provision of this kind. Had Attorneys Lichtenstein and
23 Scott attached their retainer agreements here, the Court could see exactly what
24 hourly rates they proposed charging for their services at the outset of the
25 representation. Unfortunately, they denied the Court the benefit of such evidence.
26 This signals that they never contemplated charging (and plaintiffs never
27 contemplated paying) the excessive rates they now propose to the Court. Likewise, it
28 demonstrates that they can offer no evidence that actually supports such rates.

Accordingly, the Court should reduce their proposed hourly rates to the \$250.00 rate that this market will actually bare. Any higher rate both lacks evidentiary support and contradicts the overwhelming evidence that \$250.00 is the prevailing Las Vegas market rate for attorneys with similar reputations, accolades, and experience.

6. *The single nonparty declaration proves that the hourly rate should be slashed*

Even Mr. Dewitt's declaration, offered in support of Attorney Lichtenstein's proposed rate,² confirms that the proposed rates are excessive. Specifically, Mr. Dewitt—who holds himself out as a civil rights specialist—states that during his 44 years of litigating civil rights lawsuits he has been awarded a total of approximately \$1 million in fees. (Dewitt Decl., Mot. Ex. 3, at ¶ 8). That is, with all of his numerous civil rights victories combined, Mr. Dewitt has been awarded just 30% more than the nearly \$700,000 award that plaintiffs now seek for this single civil rights case. This confirms that the proposed award—for a three-year case litigated almost exclusively by two attorneys—is excessive.³

² Notably, Attorney Scott declined to provide a nonparty declaration in support of his rate. Typically, on a motion of fees, the applicant supports his hourly rate with a declaration or affidavit from a nonparty lawyer in the community. *See, e.g., Browne v. Am. Honda Motor Co.*, 2010 WL 9499073, at *6 (C.D. Cal. Oct. 5, 2010) (collecting cases)

³ Still, the Court should strike Mr. Dewitt's declaration, as his own statements reveal he cannot provide a reliable estimate of fees for prosecuting a civil rights action in Las Vegas. As an initial matter, Mr. DeWitt is clearly biased. As a long-time attorney for the adult/erotic entertainment industry, he once described "local governments in particular" (encompassing entities like CCSD) as "arrogant, self-righteous assholes I enjoy suing them." (*See Adult Video News, Q&A, March 2007, Ex. 5*). Given his predisposed, dim view of government entities, like CCSD, it is unlikely that he is a neutral arbiter of fair and reasonable attorney rates in this case.

Further, Mr. DeWitt does not have the requisite local experience to opine on Las Vegas rates. He did not start providing legal services in Nevada until 2007, and he did not join the Nevada legal community until 2012 (when he moved to Nevada). In fact, a review of the Eighth Judicial District Court's website reveals that he has only ever appeared in 15 cases. Surely, appearing in 15 cases does not make a new Nevada attorney an "expert" on hourly rates for Nevada attorneys. Moreover, Mr. Dewitt does not cite one case where a Nevada judge awarded him anywhere near the exorbitant rate he describes here.

1 **7. *The proposed rates for junior attorneys and volunteers***
2 ***should be cut from the calculation or largely reduced***

3 The proposed rates for plaintiffs' junior attorneys should be proportionately
4 reduced, if not completely cut.

5 For example, Attorney Pratt's proposed rate is entirely unsubstantiated.
6 Plaintiffs have offered no evidence—no declaration, no affidavit, nothing—to support
7 it. Thus, plaintiffs have failed to carry their evidentiary burden, and her rate and
8 hours should be cut from the calculation entirely. But even if the Court disagrees, it
9 should—at the very least—cut her unsubstantiated, proposed rate to the prevailing
10 \$250.00 Las Vegas rate. Anything more lacks any evidentiary basis.

11 Likewise, Intern/Attorney Morgan's unsubstantiated rate should be cut from
12 the calculation, as it lacks any evidentiary support. Moreover, Ms. Morgan was either
13 a volunteer student intern or a first-year lawyer at the ACLU when she worked on
14 this case. To the extent she worked as a volunteer, she should not win any legal fees.
15 And during the time she worked as a first-year lawyer, she should be awarded no
16 more than the \$95.00 prevailing Las Vegas rate for "newly licensed attorney[s]." *See,*
17 *e.g., Home Gambling Network*, 2015 WL 1734928, at *10 (awarding an hourly rate of
18 \$95.00 for a "newly licensed attorney").

19 Likewise, the unsubstantiated \$2,537.50 fee request for the other undisclosed
20 volunteer interns should be cut entirely. Plaintiffs do not even try to substantiate
21 their proposed rate for these unidentified interns. Likewise, they have cited nothing
22 that would justify a fee award for interns who voluntarily assisted the ACLU with
23 this case.

24 **8. *The Court should cut or exclude the proposed rates***

25 Based on the forgoing, if the Court exercises its discretion to award fees in this
26 contingency case, it should calculate that award using the \$250.00 rate for Attorneys
27 Scott and Lichtenstein. Similarly, to the extent the Court grants any award to
28 Attorney Pratt or Intern/Attorney Morgan, despite the lack of any substantiating

evidence, it should use the \$250.00 rate for Attorney Pratt and the \$95.00 rate for Intern/Attorney Morgan (but only for the hours she worked as non-volunteer lawyer).

B. Due to Duplicative Work, Non-Compensable Tasks, and Deficient Records, the Court Should Cut the Claimed Hours By at Least 20%

During the second lodestar step, the Court calculates “the number of hours reasonably expended in litigation.” *Hensley*, 461 U.S. at 433 (emphasis added). Here again, the fee applicant bears the evidentiary burden and must prove all hours claimed. *Id.* “Where the documentation of hours is inadequate, the district court may reduce the award accordingly.” *Id.*

As *Hensley* explains, the Court “should exclude from this initial fee calculation hours that were not ‘reasonably expended’” and cut hours that reflect poor ‘billing judgment.’” *Id.* That is, the Court should “exclude from a fee request hours that are excessive, redundant, or otherwise unnecessary, just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission.” *Id.*

Here, Attorneys Lichtenstein and Scott claim 1165.52 hours. (Mot. at 24). As demonstrated below, however, many of these hours: (1) result from duplicative or otherwise needless work, such as one of them preparing for and sitting through a deposition taken entirely by the other; (2) seek compensation for non-compensable tasks, such as media interviews; (3) are so vaguely described that it is impossible to determine whether they were “reasonably expended” in the litigation; (4) consist of “block billing,” which makes it impossible to determine how much time was spent on a particular task; or (5) were not recorded in reliable, contemporaneous time entries. To account for this non-compensable time and the deficient records, the Court should reduce the hours claimed by 20%.

1. Hours claimed for duplicative work must be cut

Duplicative work must be excluded from the lodestar. *E.g., Herrington v. Cty. of Sonoma*, 883 F.2d 739, 747 (9th Cir. 1989). As the Ninth Circuit taught, “courts

ought to examine with skepticism claims that several lawyers were needed to perform a task” *Democratic Party of Wash. State v. Reed*, 388 F.3d 1281, 1286 (9th Cir. 2004) (internal citations omitted).

Here, many of plaintiffs’ claimed hours are duplicative or otherwise unreasonable. For example, Attorney Lichtenstein claims a total of 24.45 hours—for a total fee of \$14,670—to accompany Attorney Scott to Dean Winn and Principal McKay’s depositions, where he did not ask a single question.⁴ (*See generally* Winn Depo, Ex. 2; McKay Depo, Ex. 3). That is, Attorney Lichtenstein proposes that CCSD pay him \$14,670 for the time he spent “prepar[ing]” for and sitting through two depositions that Attorney Scott took. And this is beyond the \$15,892 Attorney Scott intends to charge for the same 24.45 hours. Given Attorney Lichtenstein’s requested rate of \$600/hr and Attorney Scott’s requested rate of \$650/hr, plaintiffs want CCSD to pay a combined \$1,250 for every hour that one of their attorneys spent preparing to listen to a deposition taken by the other attorney.

These “listening” hours are duplicative and excessive. They resulted from either (1) an experienced attorney’s decision to voluntarily listen to another experienced attorney take a deposition; or (2) intentionally inefficient duplication of effort. In either case, the hours were not “reasonably expended” in advancing this case. And this is just a single example.

Quite simply, Attorneys Lichtenstein and Scott hold themselves out as experienced civil rights lawyers, and they should be able to take depositions by themselves. The Court should reduce their claimed hours accordingly.⁵

⁴ Specifically, Attorney Lichtenstein claims 6.05 hours for November 1, 2015, and gives the following description: “Preparation for deposition; telephone conference with clients; meeting with John Scott.” (Mot., Ex. 2, Attachment 1, at 7-8). Then, for the next day—November 2—he claims 10.5 hours, with the following description: “Preparation for McKay deposition; McKay deposition; confer with John Scott.” (*Id.* at 8). Then, for November 3, he claims an additional 7.90 hours, with this description: “Winn Deposition; confer with John Scott.” (*Id.* at 8).

⁵ Plaintiffs may argue that Attorney Lichtenstein was required to attend the depositions taken by Attorney Scott since Attorney Scott was only admitted *pro hac vice*. However, pursuant to SCR 42(14)(b), local counsel’s presence is not required except “at all motions, pre-trials, or any matters in open court.” There is no requirement that local counsel be present at depositions.

1 **2. The hours for “media discussions” must be cut**

2 Hours devoted to media relations and press conferences are not compensable.
3 (See, e.g., Mot. Ex. 2., Attachment 3, at 3-4 (claiming hours for, among other things,
4 emails “regarding press conference timeline” (Apr. 28, 2014), “meeting with KNPR”
5 (May 27, 2014), and “media discussions regarding the case” (July 11, 2014)).

6 Indeed, it is well settled that “an award of attorneys’ fees should not include
7 amounts for contact with the media.” *Agster v. Maricopa County*, 486 F. Supp. 2d
8 1005, 1016 (D. Ariz. 2007) (citing *Gates v. Gomez*, 60 F.3d 525, 535 (9th Cir. 1995)
9 (“These are the kinds of activities that attorneys generally do at their own
10 expense.”)); accord *Rum Creek Coal Sales, Inc v. Caperton*, 31 F.3d 169, 176 (4th Cir.
11 1994) (1988 claim for fees); *Gratz v. Bollinger*, 353 F. Supp. 2d 929, 941-42 (E.D.
12 Mich. 2005); *Alfonso v. Aufiero*, 66 F. Supp. 2d 183, 193 (D. Mass. 1999); *Knight v.*
13 *Alabama*, 824 F. Supp. 1022, 1033 (N.D. Ala. 1993).

14 As one court noted: “Billing for time spent contacting the media is highly
15 inappropriate. It takes a lot of *chutzpah* to not only participate in such media contact
16 during the litigation, but to bill for it.” *Blakey v. Continental Airlines*, 2 F. Supp. 2d
17 598, 604-05 (D. N.J. 1998). Accordingly, these hours must be cut.

18 **3. Many of the claimed hours are so inadequately and vaguely**
19 **described that the required reasonableness analysis is**
20 **impossible, and a reduction is necessary**

21 Many of the claimed time entries are so lacking in detail that it is impossible
22 to determine whether the described tasks were reasonable and necessary. Indeed,
23 these entries are so deficient that the Court cannot determine whether the hours
24 were “reasonably expended” or reflect “poor billing judgment.” *Hensley*, 461 U.S. at
25 434. These hours must be cut. *E.g., id.* at 437 (holding that an application for
26 attorney’s fees must be supported by billing records that enable the reviewing court
27 to easily identify the hours reasonably expended); *Neil v. Comm’r of Soc. Sec.*, 495 F.
28 App’x 845, 847 (9th Cir. 2012) (The district court appropriately cut time “that was
vague and inadequately explained.”); *Parrish v. Sollecito*, 280 F. Supp. 2d 145, 171

(S.D.N.Y. 2003)(“The time records submitted in support of an application for attorney’s fees must be sufficiently detailed to determine the reasonableness of the hours claimed for any given task.”); *see also, e.g., Luciano v. Olsten Corp.*, 109 F.3d 111, 116 (2d Cir. 1997) (The court must be able to examine “the particular hours expended by counsel with a view to the value of the work product of the specific expenditures to the client’s case.”).

For example, Attorneys Scott and Lichtenstein claim fees for numerous attorney-to-attorney calls and emails, but their time entries provide no indication what they discussed or how their conversations advanced—or even related to—this case. Instead, these entries merely note that a conversation took place or an email was sent:

Att’y	Date	Task	Hours
AL	5/27/15	Telephone conference with John Scott	0.30
JS		Telephone conference with Allen Lichtenstein	0.30
AL	8/13/15	Telephone conference with John Scott	0.40
AL	8/17/15	Telephone conference with John Scott	0.20
AL	10/16/15	Telephone conference with John Scott	0.50
AL	10/29/15	Email to John Scott; telephone conference with John Scott	0.80
AL	10/30/15	Emails to John Scott	0.30
JS		Emails with Allen Lichtenstein; travel to Las Vegas for depositions	5.20
AL	11/1/15	Preparation for deposition; telephone conference with clients; meeting with John Scott	0.30
JS		Prep for depositions; telephone conference with clients; meet with Allen	6.50
AL	11/4/15	Telephone conference with John Scott	0.30
JS		Telephone conference with Allen Lichtenstein; object information from clients	1.30
AL	11/6/15	Telephone conference with John Scott	0.30
JS		Telephone conference with Allen Lichtenstein; emails from clients re verdicts in similar cases	0.70
AL	11/10/15	Telephone conference with John Scott	0.40
AL	11/15/15	Email from John Scott	0.80
AL	11/16/15	Telephone conference with John Scott	0.50
JS		Telephone conference with Allen Lichtenstein	0.50

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1	AL	11/24/15	Telephone conference with John Scott	0.20
2	JS		Telephone conference with Allen Lichtenstein	0.20
3	AL	12/1/15	Telephone conference with John Scott	0.20
4	JS		Telephone conference with Allen Lichtenstein	0.20
5	AL	12/4/15	Telephone conference with John Scott	0.50
6	JS		Telephone conference with Allen Lichtenstein	0.50
7	AL	12/11/15	Telephone conference with John Scott	0.20
8	JS		Telephone conference with Allen Lichtenstein	0.20
9	AL	12/20/15	Telephone conference with John Scott	0.30
10	JS		Telephone conference with Allen Lichtenstein	0.30
11	AL	12/22/15	Telephone conference with John Scott	0.20
12	JS		Telephone conference with Allen Lichtenstein	0.20
13	AL	1/4/16	Telephone conference with John Scott	0.20
14	JS		Telephone conference with Allen Lichtenstein	0.20
15	AL	1/5/16	Telephone conference with John Scott	0.30
16	AL	1/25/16	Meeting with John Scott	1.80
17	AL	1/29/16	Telephone conference with John Scott	0.20
18	JS		Telephone conference with Allen Lichtenstein; review supplemental disclosures	0.50
19	AL	2/1/16	Emails and telephone conference with John Scott	0.60
20	JS		Multiple emails; telephone conference with Allen Lichtenstein	0.60
21	AL	2/2/16	Emails and telephone conference with John Scott	0.40
22	JS		Multiple emails; review information from clients; telephone conference with Allen Lichtenstein	1.20
23	JS	2/3/16	Telephone conference with Allen Lichtenstein	0.20
24	JS	2/12/16	Telephone conference with Allen Lichtenstein	0.20
25	AL	2/16/16	Telephone conference with John Scott	0.50
26	JS		Telephone conference with Allen Lichtenstein	0.50
27	AL	2/17/16	Telephone conference with John Scott	0.20
28	JS		Telephone conference with Allen Lichtenstein	0.20
	AL	2/24/16	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20
	JS	2/26/16	Telephone conference with Allen Lichtenstein	0.30
	AL	3/8/16	Emails and telephone conference with John Scott	0.60
	JS		Multiple emails; telephone conference with Allen Lichtenstein	0.60
	AL	3/15/16	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20

1	AL	3/16/16	Telephone conference with John Scott	0.20
2	JS		Telephone conference with Allen Lichtenstein	0.20
3	AL	3/18/16	Telephone conference with John Scott	0.30
4	JS		Telephone conference with Allen Lichtenstein; email from Allen; prep for Winn deposition	3.30
5	JS	3/29/16	Telephone conference with Allen Lichtenstein; opposition to MSJ	5.50
6	AL	4/2/16	Emails from John Scott	0.20
7	JS		Multiple emails	0.30
8	AL	4/11/16	Telephone conference with John Scott	0.20
9	JS		Telephone conference with Allen Lichtenstein	0.20
10	AL	4/13/16	Telephone conference with John Scott	0.20
11	JS		Telephone conference with Allen Lichtenstein	0.20
12	JS	4/19/16	Telephone conference with Allen Lichtenstein	1.80
13	JS	4/21/16	Telephone conference with Allen Lichtenstein	0.50
14	AL	4/28/16	Telephone conference with and emails from John Scott	0.50
15	JS		Telephone conference with Allen Lichtenstein; multiple emails	0.50
16	AL	5/4/16	Emails from John Scott	0.30
17	JS		Multiple emails	0.30
18	AL	5/5/16	Emails and telephone conference with John Scott	0.50
19	JS		Multiple emails; telephone conference with Allen Lichtenstein	0.50
20	AL	5/6/16	Emails from John Scott	0.40
21	JS		Multiple emails	0.40
22	AL	5/9/16	Emails and telephone conference with John Scott	0.40
23	JS		Multiple emails; telephone conference with Allen Lichtenstein	0.40
24	AL	5/10/16	Emails from John Scott	0.30
25	JS		Multiple emails	0.30
26	JS	5/13/16	Telephone conference with Allen Lichtenstein; multiple emails	0.50
27	JS	5/17/16	Telephone conference with Allen Lichtenstein	0.20
28	AL	5/18/16	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20
	AL	7/26/16	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20
	AL	8/5/16	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20

1	AL	8/24/16	Telephone conference with John Scott	0.20
2	JS		Telephone conference with Allen Lichtenstein	0.20
3	AL	8/30/16	Email from John Scott	0.20
4	JS	8/31/16	Email; telephone conference with Allen Lichtenstein	0.50
5	AL	10/16/16	Multiple emails and telephone conference with John Scott	0.80
6	JS		Telephone conference with Allen Lichtenstein; multiple emails	0.80
7	AL	10/19/16	Telephone conference with John Scott	0.20
8	JS		Telephone conference with Allen Lichtenstein	0.20
9	AL	10/24/16	Telephone conference with John Scott and multiple emails	1.80
10	AL	10/27/16	Telephone conference with John Scott	0.50
11	JS	10/28/16	Conference call and emails with John Scott	2.30
12	AL		Conference calls; multiple emails; trial preparation	4.50
13	AL	11/1/16	Telephone conference with John Scott	0.40
14	JS		Telephone conference with Allen Lichtenstein	0.40
15	AL	11/2/16	Emails from John Scott	0.40
16	JS	11/3/16	Telephone conference with Allen Lichtenstein	0.20
17	JS	1/3/17	Telephone conference with Allen Lichtenstein	0.20
18	AL	1/10/17	Telephone conference with John Scott	0.20
19	JS		Telephone conference with Allen Lichtenstein	0.20
20	AL	2/14/17	Telephone conference with John Scott	0.20
21	JS		Telephone conference with Allen Lichtenstein	0.20
22	AL	2/22/17	Telephone conference with John Scott	0.20
23	JS		Telephone conference with Allen Lichtenstein	0.20
24	AL	2/23/17	Telephone conference with John Scott	0.20
25	JS		Telephone conference with Allen Lichtenstein	0.20
26	AL	4/7/17	Telephone conference with John Scott	0.20
27	JS		Telephone conference with Allen Lichtenstein	0.20
28	AL	4/13/17	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20
	AL	4/17/17	Emails and telephone conference with John Scott	0.30
	JS	4/20/17	Telephone conference with Allen Lichtenstein	0.20
	AL	4/21/17	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20
	AL	5/9/17	Telephone conference with John Scott	0.20
	JS		Telephone conference with Allen Lichtenstein	0.20