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MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

AMELIA MARQUEZ, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	DV-21-873 Hon. Collette B. Davies DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR ATTORNEY FEES AND REQUEST FOR HEARING
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COME NOW Defendants, by and through counsel, and respectfully submit their Brief in Opposition to Plaintiffs' Motion for Attorney Fees and Request for Hearing.

INTRODUCTION AND STATEMENT OF FACTS

Plaintiffs filed their Complaint that challenged SB 280 and sought relief on a number of bases: under the Equal Protection Clause in Count I, the Right of Privacy Clause under Count II,

State Interference with Medical Decisions under Count III, and a claim that the statute was unconstitutionally vague under Count IV. The initial Complaint was filed July 16, 2021. (Doc. 1). Plaintiffs amended the Complaint adding Count V, Discrimination under the Human Rights Act, and Count VI, Governmental Code of Fair Practices violation. This case lingered for a year and a half—during this time, Plaintiffs sought to amend their Complaint twice, completely altering the scope of the lawsuit.

Plaintiffs brought this case. They chose the parties, the claims, and the legal theories. Nearly 500 days after the initial Complaint was filed, Plaintiffs sought to certify a class on behalf of “all transgender people born in Montana who currently want, or who in the future will want, to amend the sex designation on their Montana birth certificates.” (Doc. 86 at 6). The District Court granted their motion for preliminary injunction solely on the narrow grounds of vagueness. The District Court denied both Plaintiffs’ second motion to amend the Complaint and their motion for class certification.

Ultimately, Plaintiffs chose to narrow their case and filed a Motion for Summary Judgment exclusively on Count IV, on vagueness. In its response, the State “concede[d] that no surgery can change a person’s sex” and “[t]o the extent that such concession means, as [the district court] concluded in its Findings of Fact, Conclusions of Law and Order Granting in Part and Denying in Part Defendants’ Motion to Dismiss and Granting Plaintiffs’ Motion for a Preliminary Injunction (‘preliminary injunction’), that SB 280 is unconstitutionally vague, Defendants concede the narrow issue that SB 280 is unconstitutionally vague on its face and as applied because neither a surgical procedure, nor any other medical treatment can change a person’s sex.” (Doc. 129 at 1-2). Defendants made no other concessions, and summary judgment was granted on that narrow issue.

This District Court found the State in contempt of court and awarded attorney fees for the Plaintiffs as a sanction for the contempt. Plaintiffs have demanded \$34,665.00 for attorney fees for this sanction. In granting summary judgment on the narrow vagueness claim, the District Court also *sua sponte* awarded Plaintiffs their attorney fees for the entire action based on its application of the private attorney general theory. Based on the District Court’s order, Plaintiffs now have demanded \$695,798.75 in total fees for the entire case. Plaintiffs employed two Montana attorneys—Akilah Deernose, who claims an hourly rate of \$300.00 per hour and Alex Rate, who claims an hourly rate of \$350.00 per hour. Plaintiffs employed five out-of-state attorneys who were admitted *pro hac vice*—John Knight who bills at \$550.00 per hour, Jon Davidson at \$550.00 per hour, Malita Picasso at \$350.00 per hour, Seth Horvath at \$450.00 per hour, and Thomas Hecht at \$550.00 per hour. Plaintiffs also submitted billing statements from Krystal Pickens, a non-attorney, at \$125.00 per hour, without any explanation as to her duties. Plaintiffs submitted a demand entitled “Sanction Motion Fees,” **attached as Exhibit A** and “Marquez: Case Fees,” **attached as Exhibit B**.

I. THE PRIVATE ATTORNEY GENERAL DOCTRINE DOES NOT JUSTIFY AN AWARD OF ATTORNEY FEES OVER THE ENTIRE CAUSE *SUA SPONTE*.

Absent a specific statutory or contractual provision, a prevailing party generally is not entitled to recovery of its attorneys’ fees. *Western Tradition P’ship v. AG of Mont.*, 2012 MT 271, ¶ 9, 367 Mont. 112, 291 P.3d 545. Courts construe equitable exceptions to the American Rule—that each party bears its own attorneys’ fees—narrowly “lest they swallow the rule.” *See id.* (quoting *Jacobsen v. Allstate Ins. Co.*, 2009 MT 248, ¶ 23, 351 Mont. 464, 215 P.3d 649); *see also id.*, ¶ 13 (the private attorney general doctrine “has been invoked sparingly” and “just once to a party prevailing against the State.”).

The Supreme Court “reject[ed] the expansion of such equitable exceptions when the effect would ‘drive a stake into the heart of the American Rule.’” *Western Tradition P’ship*, ¶ 9 (quoting *Jacobsen*, ¶ 22). Thus, the exceptions require and rely on unique facts and exceptional circumstances. See *Montanans for the Responsible Use of the Sch. Tr. v. State ex rel. Bd. Of Land Comm’rs (Montrust)*, 1999 MT 263, ¶¶ 13–14, 296 Mont. 402, 989 P.2d 800; *Burns v. Cnty of Musselshell*, 2019 MT 291, ¶ 22, 398 Mont. 140, 454 P.3d 685.

Accordingly, a “claim for injunctive relief simply does not provide a basis for the imposition of attorneys’ fees against the State.” *Finke v. State ex rel. McGrath*, 2003 MT 48, ¶ 34, 314 Mont. 314, 65 P.3d 576. That’s because Montana law provides immunity for any legislative act or omission by the Montana Legislature. Mont. Code Ann. § 2-9-111; see also *Finke*, ¶ 34. So when the “only potential liability of the State for fees would lie for the actions of the Legislature in enacting an unconstitutional bill” then “no avenue” exists to impose a fee award. See *Finke*, ¶ 34.

Subsequently, the Montana Supreme Court has shown judicial deference in protecting the powers of the Montana Legislature by refusing to thrust itself into the role of evaluating public policies and instead has determined to “award[] private attorney general fees only in litigation vindicating constitutional interests.” *Bitterroot River Protective Ass’n v. Bitterroot Conservation Dist.*, 2011 MT 51, ¶ 22, 359 Mont. 393, 251 P.3d 131 (quoting *Am. Cancer Soc’y v. State*, 2004 MT 376, ¶ 21, 325 Mont. 70, 103 P.3d 1085). In the case of *Serrano v. Priest*, the Montana Supreme Court noted that “assessments of the relative strength or weakness of public policies furthered by their decisions... a role closely approaching that of the legislative function.” 20 Cal. 3d 25, ¶ 36, 141 Cal. Rptr. 315, 569 P.2d 1303 (1977).

II. PLAINTIFFS FAIL TO MEET ALL THREE FACTORS NECESSARY TO SUCCEED UNDER THE PRIVATE ATTORNEY GENERAL DOCTRINE.

A prevailing party must satisfy three factors, at a minimum, to invoke the private attorney general doctrine: “(1) the strength or societal importance of the public policy vindicated by the litigation, (2) the necessity for private enforcement and the magnitude of the resultant burden on the plaintiff, (3) the number of people standing to benefit from the decision.”¹ *Western Tradition P’ship*, ¶ 17 (quoting *Montrust*, ¶ 66).

Plaintiffs cannot meet the first prong of the private attorney general Doctrine as they have failed to demonstrate the strength or societal importance of the public policy vindicated by the litigation. In the case of *American Cancer Society*, the court ruled that the statute was “ineffectual rather than unconstitutional” and therefore, because a constitutional interest had not been vindicated, recovery for the attorney fees were not warranted. *American Cancer Society*, ¶ 21. Similarly here, the District Court has ruled that SB 280 and the 2021 Rule was “void for vagueness” (Doc. 133 at 12). The District Court also refrained from addressing whether the law was “constitutional under Plaintiffs’ additional theories” (Doc. 133 at 14). In the case of *Baxter v. State*, the court held that because the issues at hand were statute-based, there was no vindication of constitutional interests and could not warrant an award of fees under the private attorney general doctrine. 2009 MT 449, ¶ 47, 354 Mont. 234, 224 P.3d 1211. Similarly, the District Court here analyzed SB 280 under the void for vagueness test as to whether the statute provided: “(1) actual notice to citizens; and (2) minimal guidelines to govern law enforcement.” *State v. Dixon*, 2000 MT 82, ¶ 27, 2000 MT 82, 299 Mont. 165. In the case of *Bitterroot River Protective Association*, the Supreme Court noted that what made this case different from *American Cancer Society* was

¹ Only the first and second prongs are at issue.

that constitutional interests were vindicated to demonstrate the societal importance of the litigation. *Bitterroot River Protective Ass’n*, ¶ 26. Here, Plaintiffs have not demonstrated the societal importance of SB 280, other than the lack of guidelines it provided.

Most importantly, the District Court itself acknowledged that the third prong was not met here. The District Court stated, “On its face, SB 280 and the 2021 Rule may only impact a small number of individuals” (Doc. 133 at 17). In fact, the Plaintiffs presented no evidence of any impact of SB 280 to any individuals in Montana. Defendants were not given the opportunity to present any evidence on this issue. In the *Montrust* case, the litigation benefited a very large class: “all Montana citizens interested in Montana’s public schools.” *Id.* at ¶ 67. The court concluded in *Montrust* that the Plaintiffs “successfully litigated issues of importance to all Montanans...” *Id.*, ¶ 69. In the case of *Barrett v. State*, the dissenting Justice Gustafson noted that the number of people standing to benefit from the court’s decision included more than 40,000 students as well as future students and the faculty and employees of the Montana University System. 2024 MT 86, ¶ 63, 416 Mont. 226, 547 P.3d 630.

Furthermore, even if a party satisfies each factor, equity must also favor an award. *Id.*, ¶ 21 (denying fees based in part on “equitable considerations”). Equitable considerations naturally follow the doctrine’s equitable roots. *Montrust*, ¶ 64; *Western Tradition P’ship*, ¶ 18. The Montana Supreme Court has stressed that even if a party can meet all three prongs, it would be unjust under the circumstances to award fees against the State in “garden variety” constitutional challenges to a legislative enactment. *Id.*, ¶ 19. The people retain an inherent interest in the defense of democratically enacted laws. *Id.*, ¶ 20. Thus, in the garden variety challenge, such as the challenge here, “the predicate for an award of fees under the private attorney general doctrine—‘when the

government, for some reason, fails to properly enforce interests which are significant to its citizens’—has not been established.” *Western Tradition P’ship*, ¶ 20.

The private attorney general doctrine does not apply to ordinary constitutional challenges to a legislative enactment. *See Western Tradition P’ship*, ¶ 20; *Finke*, ¶ 34. The absence of a heightened duty precludes an award of fees where the liability to the State comes from “the actions of the Legislature in enacting an unconstitutional bill.” *Western Tradition P’ship*, ¶ 19 (quoting *Finke*, ¶ 34). Equitable considerations favor the Attorney General mounting good faith defenses to state law. *See Western Tradition P’ship*, ¶¶ 16–20. The Attorney General’s defense of state statutes is “grounded in constitutional principles and in an effort to enforce interests the executive deemed equally significant to its citizens,” compared to the constitutional challenge itself. *Id.* In other words, the competing constitutional interests— plaintiffs’ challenge to a statute, and the State’s defense of that statute—disfavor fee awards because the presumption must be towards good-faith defense of the law. *Id.*

The Montana Supreme Court recognized that presumption at the beginning of its recognition of the private attorney general doctrine. *In re Dearborn Drainage Area*, 240 Mont. 39, 43, 782 P.2d 898, 900 (1989). The *Montrust* case provided a set of facts overcoming the presumption, not replacing the presumption with a different test. *Western Tradition P’ship*, ¶ 19. From *In re Dearborn Drainage Area* through *Montrust*, *Finke*, and *Western Tradition Partnership*, the consistent rule provides a presumption against awarding fees when the State, as here, defends the law in good faith. *Western Tradition P’ship*, ¶¶ 16–20.

In *Western Tradition Partnership*, the court declined to award fees against the State even though the State defended the law contrary to strong counter-precedent. *Western Tradition P’ship*, ¶¶ 3, 5 (The U.S. Supreme Court “summarily” rejected the State’s arguments that “there can be no

serious doubt that the holding of *Citizens United* applies to the Montana statute.”) (quoting *American Tradition P’ship*, 567 U.S. 516 (2012)). The Court made clear that Mont. Code Ann. § 25-10-711 guided the analysis because of the strong interests in the full defense of state law. *Id.* at ¶¶ 18, 20. The district court in *Western Tradition Partnership* correctly premised its denial of fees on the case being a “garden-variety” constitutional challenge. *Id.*, ¶ 19. Absent “unique issues,” like those in *Montrust*, the American Rule remains in place. *Id.*, ¶ 19.

The *Forward Montana v. State* case that reversed and remanded the attorney fees issue to the district court discusses the cases of *Montrust* and *Burns*, to which Plaintiffs may point in support of their argument. *See generally Forward Montana v. State*, 2024 MT 19, 415 Mont. 101, 2024 Mont. LEXIS 102. Neither *Montrust* nor *Burns* applies here. *Montrust* involved “unique issues” where the State breached its fiduciary duties “imposed by the Montana Constitution and federal enabling laws under which the federal government’s grant of lands to Montana for support of common schools constitutes a trust for which the State is the trustee.” *Western Tradition P’ship*, ¶ 19 (citing *Montrust*, ¶¶ 13–14). *Montrust* remains the only case in which the Montana Supreme Court awarded or upheld fees against the State under the private attorney general doctrine. *Id.*, ¶ 13; *see also Clark Fork Coalition*, ¶ 15 (noting the doctrine has been invoked “sparingly”). The county in *Burns* adopted election recount procedures that clearly violated Mont. Code Ann. § 13-15-206. *Burns v. Cty. of Musselshell*, 2019 MT 291, ¶ 22, 398 Mont. 140, 454 P.3d 685. There, Lesnik had to intervene to protect his rights as the winner of the Musselshell County Sheriff election. *Id.*, ¶¶ 2–3, 8, 22. *Burns* is a rare case granting fees under the private attorney general doctrine to a government entity.

Neither case supports an award of attorneys’ fees here. First, no unique issues or extraordinary circumstances exist. This case closely follows both *Finke* and *Western Montana*

Partnership in that Plaintiffs successfully obtained an injunction on a legislative enactment, but there are no allegations that the State breached a heightened duty. Second, unlike *Burns*, where Lesnik had to intervene to protect his rights because of the county's ongoing actions, Plaintiffs began this case before SB 280's enforcement. In other words, those cases involved exceptional circumstances not present here.

III. PLAINTIFFS' FEES ARE EXCESSIVE, UNREASONABLE, AND SHOULD BE ADJUSTED DOWNWARD.

Montana courts determine attorney fees based upon the lodestar method. *Tacke v. Energy West, Inc.*, 2010 MT 39, 355 Mont. 243, 227 P.3d 601. Montana applies eight non-exclusive factors to determine a reasonable attorneys' fee award. *Gendron v. Mont. Univ. Sys.*, 2020 MT 82, 399 Mont. 470, 461 P.3d 115.

- 1) The novelty and complexity of the legal and factual issues involved in the case;
- 2) The time and labor demanded for the task;
- 3) The character and importance of the case;
- 4) The result secured by counsel;
- 5) The experience, skill and reputation of counsel;
- 6) Fees customarily charged for similar services in this era and place where the services were provided;
- 7) The client's ability to pay for the legal services; and
- 8) The risk of no recovery.

Stimac v. State, 248 Mont. 412, 417, 812 P.2d 1246, 1249 (1991). Federal courts apply a similar twelve-factor analysis. *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-718 (5th Cir. 1974). Courts multiply a reasonable number of hours spent on the case by an appropriate hourly rate in the community for the particular work performed. *Tacke*, 2010 MT 39, 355 Mont. 243. After calculating the lodestar amount (hours times rate), the court may decrease or enhance the amount based upon the eight factors as demonstrated in the *Stimac* case, or, in a federal case, based upon the twelve factors in *Johnson*. *Saizan v. Delta Concrete Prods. Co.*, 448 F.3d 795, 799, 800 (5th Cir. 2006). *See also Gendron v. Mont. Univ. Sys.*, 2020 MT 82, 399 Mont. 470, 461, P.3d

115. The Court should give special consideration to the time and labor involved, the customary fee, the complexity, the result obtained, and the experience, reputation and ability of counsel. *Id.* Montana courts have strongly urged attorneys to keep contemporaneous time records in support of their attorney fees claim and have encouraged district courts to look “askance” at unsupported requests. *Gendron*, 2020 MT 82, 399 Mont. 470. “Where the documentation of hours is inadequate, the district court may reduce the award accordingly.” *Tacke v. Energy West, Inc.* 2010 MT 39, ¶ 35, 355 Mont. 243, 227 P.3d 601 (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S. Ct. 1933, 1939, 76 L. Ed. 2d 40 (1983)).

In this case, if awarded at all, the fees demanded by Plaintiffs should be adjusted downward significantly. First, Plaintiffs only prevailed on one count of their six-count amended complaint. They also did not prevail in seeking to amend their complaint a second time to broaden the scope of the lawsuit nor on their motion for class certification.² To the extent that the awards of attorney fees are appropriate and legally sustainable, the time and labor, duplication of services, rates higher than the customary Montana rates/fees, and the lack of detailed billing records all require a significant downward adjustment.

IV. THE TIME BILLED RELATIVE TO THE LABOR REQUIRED IS UNREASONABLE.

Actual time spent in obtaining the judgment is not the only factor to be considered in fixing attorneys’ fees in cases of this nature. The amount involved, the difficulty of collection, the value of the services rendered to the client and other elements may be considered. *Electronics Capital Corp. v. Sheperd*, 439 F.2d 692, 693 (5th Cir. 1971). The trial judge must weigh the hours claimed against the judge’s own experience and knowledge to assess the time required to complete similar

² Defendants note that Plaintiffs also seek attorney fees for legal work unrelated to the litigation, namely for the preparation of comments on the 2022 proposed rule. This suggests that Plaintiffs’ request for attorney fees needs to be closely scrutinized to ensure that only legal work directly on the litigation is considered.

matters. *Johnson*, 488 F.2d at 717. If more than one attorney is involved, the duplication of services, along with the proper utilization of time, must be scrutinized. *Id.* The judge must also distinguish between legal work, requiring an attorney effort, versus clerical or investigatory work that should be billed at a lesser rate. *Id.*

The State focuses on the attorney fee award requested for the entire *Marquez* case, but Plaintiffs' sanctions fee demand suffers from the same problems. First, the bill in the amount of \$608,865.00 shocks the conscience of any Montana practitioner. It is doubtful that more than a handful of Montana law firms have charged this amount to achieve what turned out to be an uncontested Motion for Summary Judgment on one narrow count of the amended complaint. For those few Montana firms who billed a case to the monetary level of the fees claimed by Plaintiffs' attorneys, the odds are the case went to a jury trial and was appealed from the trial level.

Plaintiffs' fee demand is exorbitant. In fact, Plaintiffs asserted six different counts in its complaint. They only prevailed on one of those counts, vagueness. This alone requires a downward departure. In the case of *Klock v. Town of Cascade*, the plaintiffs filed an eight-count complaint but only prevailed on two counts. 284 Mont. 167, 943 P.2d 1262 (1997). Based upon the plaintiffs only prevailing on 25% of their complaint, the court only awarded 25% of the claimed attorney fees. *Id.* at 177. Similar to *Klock*, Plaintiffs here only prevailed upon one count out of six. In addition, the vagueness count was not intertwined with the remaining five counts. There exists no common connection between that claim of vagueness and claims for violating the Equal Protection Clause in Count I, the Right of Privacy Clause under Count II, State Interference with Medical Decisions under Count III, Count V, Discrimination under the Human Rights Act, and Count VI, a violation of the Governmental Code of Fair Practices. Right from the start, this Court should adjust the fees to one-sixth of the amount claimed.

Digging into the meat of Plaintiffs' billing, Plaintiffs used five different attorneys to draft the briefing for the preliminary injunction and to conduct the hearing. Deernose billed 86.95 hours, Rate billed 37.7 hours, Knight billed 5.7 hours, Horvath billed 49.1 hours and Hecht billed 35.9 hours. The total bill for the preliminary injunction equaled a breathtaking \$84,255.00. This amount does not include the drafting of the Proposed Findings of Fact, Conclusions of Law and Order for the preliminary injunction matter. This amount represents an extremely duplicative and a completely improper use of time. An entire civil case culminating in a jury trial in Montana is usually less than this amount.

Five attorneys were involved in the Motion to Clarify the Preliminary Injunction. The bill for this portion of the case totaled \$44,125.00. Plaintiffs filed and briefed a Motion to File a Second Amended Complaint and a Motion for a Rule 23 Class Certification. The Court denied both motions; but six attorneys were involved from ACLU, billing a total of \$56,432.00—all supporting motions on which they did not prevail. Probably the most unsupportable aspect of their fees demand is the \$16,874.00 billed to submit a reply brief and attend a summary judgment hearing where the State had conceded the appropriateness of summary judgment on the issue of vagueness. Given the State's response to Plaintiffs' motion for summary judgment, there was no need to prepare a reply brief, and no need to prepare for or to orally argue the motion. Nevertheless, four ACLU attorneys worked on the reply and oral argument including two *pro hac vice* attorneys billing \$12,747.00, with one billing eight hours at \$550.00 per hour for something the State conceded.

Next, with regard to the Sanction Motion Attorney Fees, Plaintiffs used four attorneys to brief and argue this issue. About one-third of the demand involved *pro hac vice* counsel, one billing at \$450.00 per hour and the other at \$550.00 per hour.

The duplication of attorneys' work requires a considerable downward adjustment of both sets of fees sought. The ACLU did not efficiently prosecute the case despite the case being completely in their wheelhouse. The State intends to call Ryan Gustafson, a partner at the law firm of Matovich, Keller & Huso, P.C., as a witness at the evidentiary hearing.³ Gustafson will provide an expert opinion regarding the duplicative nature of Plaintiffs' representation and the efficiency requirement of counsel under the lodestar analysis.

V. PLAINTIFFS' HOURLY RATES ARE EXCESSIVE FOR MONTANA.

Courts multiply a reasonable number of hours spent on the case by an appropriate hourly rate in the community for the particular work performed. *Tacke*, 2010 MT 39, 355 Mont. 243. The hourly rate should equal a customary fee for services provided relevant to the community. *Saizan v. Delta Concrete Prods. Co.*, 448 F.3d 795, 799 (5th Cir. 2006). Fee scales should also reflect the experience differential of attorneys and their specialties. *Johnson*, 488 F.2d at 718. Thus, if awarded, the Court should award *pro hac vice* attorney fees in accordance with the prevailing rate(s) in Montana. *Wereb v. Cnty. of Maui*, 2010 U.S. Dist. LEXIS 9427 (D. Haw. Feb. 3, 2010). See also *Gates v. Deukmejian*, 987 F.2d 1392, 1405 (9th Cir. 1992).

The State intends to call Gustafson to provide his opinion upon the customary fees for attorneys in Montana at various levels of experience. In any event, the hourly rate of the *pro hac vice* counsel is excessive for the State of Montana. Attorneys with more than thirty years of experience practicing in a very specialized area like Chapter 12 bankruptcy may charge \$350.00 per hour. Hourly rates for new attorneys in Montana are below \$200.00 per hour. The undersigned

³ The Montana Supreme Court has held that, before awarding attorney's fees, a district court must hold an evidentiary hearing to determine the reasonableness of the requested fees. *Amundson v. Wortman*, 238 Mont. 207, 213 (1989), 777 P.2d 315 (citing *Stark v. Borner*, (Mont. 1988), [234 Mont. 294,] 762 P.2d 857, 860, 45 St. Rep. 1885, 1888) (“[A]ttorney's fees cannot be awarded solely on the basis of an attorney's affidavit. An evidentiary hearing is required.”)

just finished thirty years of private practice and billed at \$225.00 per hour and \$250.00 for Indian law issues pertaining to the Blackfeet Tribal Court where he has a unique knowledge unlike few other attorneys.

Plaintiffs have not submitted any information as to the experience and qualifications of any of their local attorneys or the attorneys admitted *pro hac vice* to represent them. Plaintiffs bear the burden of establishing these facts so that this Court can adequately conduct the lodestar analysis.

VI. THE COURT SHOULD ADJUST FEES DOWNWARD BECAUSE COUNSEL FAILED TO KEEP DETAILED TIME RECORDS.

This Court should also adjust the fees downward because only one of the attorneys for Plaintiffs kept detailed time records. *See Tacke*, 2010 MT 39, 355 Mont. 243. Only Seth Horvath, a *pro hac vice* attorney from the ACLU, kept detailed time records for purposes of attorney fees. The rest of Plaintiffs' attorneys kept very vague time records, making it impossible to accurately determine what each attorney did. As the Montana courts have instructed, attorneys must keep detailed time records in order to accurately establish their attorney fees. This fact alone should mean that Plaintiffs receive a significant downward reduction for both of their attorney fee demands.

In the *Tacke* case, the court entertained a request from the State to not award any fees for this very same reason, the lack of detailed time records. *Id.* Like *Tacke*, in this case Plaintiffs' counsel appears to have been extremely remiss in keeping detailed time records. This Court has every right to reject Plaintiffs' demand. At the very least, the fee request should be significantly reduced.

CONCLUSION

This Court should reverse the decision to award attorney fees based on the private attorney general doctrine. The required three factors have not been met, and the equities do not support

such an award. In addition, this Court should hold an evidentiary hearing on what, if any, attorney fees are reasonable and appropriate in this case. The Court should then deny Plaintiffs' demand for attorney fees or, in the alternative, make a significant downward adjustment in the fees being sought. Plaintiffs employed a multitude of out-of-state attorneys who performed duplicative work and billed grossly beyond the customary fees for Montana. The Court should also downwardly adjust the sanction demand. Plaintiffs did not need the services of four attorneys, two of whom were *pro hac vice*, billing well beyond customary Montana fees. Defendants respectfully request a hearing on Plaintiffs' Motion for Attorney Fees.

DATED this 16th day of August, 2024.

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ATTORNEYS FOR DEFENDANTS

Exhibit A

SANCTION MOTION FEES				
FIRST	LAST	DATE	TIME	DESCRIPTION
Akilah	Deernose	1/10/2023	1	Team Meeting re: Mtn to Enforce and
Akilah	Deernose	1/13/2023	3	Researching and outlying Mtn to Enforce
Akilah	Deernose	1/17/2023	1.5	Researching and Drafting Mtn to Enforce
Akilah	Deernose	1/18/2023	5	Drafting Mtn to Enforce
Akilah	Deernose	1/19/2023	3	Updating draft and incorporating revisions
Akilah	Deernose	1/19/2023	0.1	Email opposing counsel re: Mtn to Enforce
Akilah	Deernose	1/19/2023	0.5	Meeting with Plaintiffs to discuss Mtn to
Akilah	Deernose	1/23/2023	0.1	Email to opposing counsel re: Mtn to Enforce
Akilah	Deernose	1/24/2023	2.3	Cite checking, finalizing Mtn to Enforce
Akilah	Deernose	1/24/2023	2	Draft and edit supporting docs for Mtn to
Akilah	Deernose	1/24/2023	0.1	Email to opposing counsel re: Mtn to Enforce
Akilah	Deernose	1/25/2023	1.5	Finalizing and filing Mtn to Enforce
Akilah	Deernose	5/14/2023	1.7	Review materials for Mtn to Enforce argument
Akilah	Deernose	5/17/2023	0.7	Review/prep for Motion to enforce moot
Akilah	Deernose	5/17/2023	1	Motion to Enforce moot
Akilah	Deernose	5/25/2023	0.7	Call and correspondences with Plaintiffs regarding upcoming hearing
Akilah	Deernose	5/25/2023	3	Review materials and work on argument for Mtn to Enforce
Akilah	Deernose	5/26/2023	2	Review materials and work on argument for Mtn to Enforce
Akilah	Deernose	5/26/2023	1	Motion to Enforce Moot
Akilah	Deernose	5/28/2023	2	Motion to Enforce argument prep
Akilah	Deernose	5/29/2023	4	Mtn to Enforce Argument prep
Akilah	Deernose	5/30/2023	4.2	Mtn to Enforce Argument prep
Akilah	Deernose	5/30/2023	4	Drive to Billings
Akilah	Deernose	5/31/2023	0.5	Moot Motion to Enforce
Akilah	Deernose	5/31/2023	5	Review, revise argument, and practice argument for hearing
Akilah	Deernose	6/1/2023	1	Final prep and practice for hearing on all
Akilah	Deernose	6/1/2023	0.5	Hearing on all Motions
Akilah	Deernose	6/1/2023	4	Drive home from Billings
TOTAL		x300	55.4	\$ 16,620.00
Alex	Rate	5/17/2023	1	Moot
Alex	Rate	5/24/2023	0.6	Call to discuss hearing logistics
Alex	Rate	5/26/2023	1	Hearing moot
Alex	Rate	5/31/2023	0.5	Hearing moot
Alex	Rate	5/31/2023	2	Trip to Billings for hearing
Alex	Rate	6/1/2023	0.5	SJ and contempt hearing
Alex	Rate	6/1/2023	1.8	Return from Billings
TOTAL		x350	7.4	\$ 2,590.00
Krystel	Pickens	1/25/2023	1.6	Review, finalize and file pleadings

Krystal	Pickens	2/8/2023	0.2	Save and organize Ds' Response to Ps' MfE
Krystal	Pickens	2/16/2023	0.7	Review, finalize and Ps' Reply brief MfE
Krystal	Pickens	2/16/2023	0.9	Draft, circulate and file Notice of submittal
Krystal	Pickens	3/8/2023	0.2	Save and organize pleadings file; calendar
Krystal	Pickens	3/20/2023	0.1	Save and organize pleadings
Krystal	Pickens	5/24/2023	0.6	Team call: hearing details
Krystal	Pickens	5/31/2023	0.5	Hearing moot
Krystal	Pickens	6/1/2023	0.5	Hearing
TOTAL		x125	5.3	\$ 662.50
Malita	Picasso	1/15/2023	0.5	Motion to Enforce
Malita	Picasso	1/17/2023	0.25	Motion to Enforce
Malita	Picasso	1/17/2023	0.1	Motion to Enforce
Malita	Picasso	1/18/2023	0.8	Motion to Enforce
Malita	Picasso	1/18/2023	0.4	Motion to Enforce
Malita	Picasso	1/18/2023	0.3	Motion to Enforce
Malita	Picasso	1/18/2023	0.4	Motion to Enforce
Malita	Picasso	1/18/2023	2.2	Motion to Enforce
Malita	Picasso	1/18/2023	1.7	Motion to Enforce
Malita	Picasso	5/17/2023	1	Motion to Enforce moot
Malita	Picasso	5/26/2023	1	Hearing moot
Malita	Picasso	5/31/2023	0.5	Hearing moot
Malita	Picasso	6/1/2023	0.5	Hearing on all Motions
TOTAL		x350	9.65	\$ 3,377.50
Seth	Horvath	2/10/2023	1	Analyze Defendants' response to motion to enforce preliminary injunction. (.5) Video conference with litigation team regarding issues to address in reply in support of motion to enforce preliminary injunction. (.5)
Seth	Horvath	2/12/2023	4.7	Finish analyzing Defendants' response to motion to enforce preliminary injunction in connection with drafting reply in support of same. (.8) Begin drafting reply in support motion to enforce preliminary injunction. (3.9)

Seth	Horvath	2/13/2023	9	Finish drafting introductory section of reply in support motion to enforce preliminary injunction. (1.1) Finish drafting section of reply in support of motion to enforce preliminary injunction addressing misstatements in response to motion. (2.5) Finish drafting section of reply in support of motion to enforce preliminary injunction addressing Montana Supreme Court's writ order. (1.8) Finish drafting section of reply in support of motion to enforce preliminary injunction addressing justification for contempt finding. (2.1) Finish drafting section of reply in support of motion to enforce preliminary injunction addressing recovery of attorney's fees. (1.5)
Seth	Horvath	2/14/2023	2.6	Analyze authorities regarding lack of good-faith defense to civil contempt in connection with drafting reply in support of motion to enforce preliminary injunction. (1.0) Revise first draft of motion to enforce preliminary injunction in preparation for transmitting same to litigation
Seth	Horvath	2/15/2023	2.4	Analyze proposed revisions to reply in support of motion to enforce preliminary injunction. (.4) Begin revising reply in support of motion to enforce preliminary injunction in preparation for filing same. (2.0)
Seth	Horvath	2/16/2023	2	Finish revising reply in support of motion to enforce preliminary injunction in preparation for filing same. (1.7) Draft correspondence to litigation team regarding reply in support of motion to enforce preliminary injunction in preparation for filing same. (.3)
TOTAL		x450	21.7	\$ 9,765.00
Jon	Davidson	1/18/2023	0.1	Email Akilah Deernose re motion to enforce preliminary injunction
Jon	Davidson	1/18/2023	0.3	Review and edit draft of motion to enforce preliminary injunction and email co-counsel with comments
Jon	Davidson	1/24/2023	0.5	Review and edit revised motion to enforce preliminary injunction and email co-counsel
Jon	Davidson	1/24/2023	0.4	Edit revised motion to enforce and Akilah Deernose affidavit in support
Jon	Davidson	1/24/2023	0.1	Reviewed revised Akilah Deernose affidavit and email comments

Jon	Davidson	1/24/2023	0.3	Review and respond to emails re state's position on enforcing the 2022 Rules and final review of brief, motion, and affidavit in support
Jon	Davidson	2/8/2023	0.4	Review defendants' opposition to motion to enforce and emails with Akilah Deernose
Jon	Davidson	2/10/2023	0.5	Call with co-counsel re reply to opposition to motion to enforce preliminary injunction
Jon	Davidson	2/15/2023	0.2	Review and further edit reply re motion to enforce preliminary injunction
Jon	Davidson	2/16/2023	0.2	Review further edits to motion to enforce preliminary injunction; email additional edits
TOTAL		x550	3	\$1,650.00
GRAND TOTAL				
\$34,665.00				

Exhibit B

MARQUEZ: CASE FEES

FIRST	LAST	DATE	TIME	DESCRIPTION
AKILAH DEERNOSE				
Akilah	Deernose	3/4/2021	0.50	Team call regarding case
Akilah	Deernose	3/12/2021	1	Team Call: Plaintiff Search
Akilah	Deernose	3/16/2021	1.2	Team Call: Claims and Plaintiff Search
Akilah	Deernose	3/25/2021	1	Meeting with Potential Plaintiff Adrian J.
Akilah	Deernose	4/9/2021	0.5	Call with Chris Hampton re: plaintiff search
Akilah	Deernose	4/14/2021	1.7	Interview with two potential Plaintiffs
Akilah	Deernose	4/19/2021	0.5	Team Call: Complaint and Plaintiff Search update
Akilah	Deernose	4/21/2021	0.5	Potential Plaintiff call
Akilah	Deernose	4/27/2021	1	Review Draft complaint
Akilah	Deernose	4/28/2021	1	Potential Plaintiff call
Akilah	Deernose	5/3/2021	0.5	Team Call
Akilah	Deernose	5/5/2021	2	Review transcriptions of Senate and Judiciary hearings for SB 280
Akilah	Deernose	5/11/2021	1	Follow up Potential Plaintiff Interview
Akilah	Deernose	5/14/2021	1	Meeting with Potential Plaintiff
Akilah	Deernose	5/17/2021	1	Potential Plaintiff call
Akilah	Deernose	5/20/2021	1	Potential Plaintiff call
Akilah	Deernose	5/21/2021	1	Potential Plaintiff Interview
Akilah	Deernose	5/24/2021	1	Potential Plaintiff Interview AM
Akilah	Deernose	5/26/2021	0.5	Call with AM re: privacy and retainer
Akilah	Deernose	6/1/2021	1.5	Potential Plaintiff Interview (AM)
Akilah	Deernose	6/2/2021	1	Follow up call with AM
Akilah	Deernose	6/4/2021	1.2	Potential Plaintiff Interview

Akilah	Deernose	6/8/2021	2.5	Draft MHRB complaint for AM, call with AM
Akilah	Deernose	6/14/2021	1	Call with Chris Hampton re: Plaintiffs
Akilah	Deernose	6/15/2021	2.5	Team call re: Complaint and PI (1), Plaintiff interviews (1.5)
Akilah	Deernose	6/21/2021	0.5	Follow up call with MW
Akilah	Deernose	6/22/2021	1.5	Team Call re: Complaint and litigation strategy
Akilah	Deernose	6/24/2021	1	Review retainer agreement with plaintiffs
Akilah	Deernose	6/25/2021	3	Initial research and draft for privacy section of BIS of PI
Akilah	Deernose	6/28/2021	0.5	Call with co-counsel S.H. re: drafting BIS of PI
Akilah	Deernose	6/29/2021	4.7	Draft and circulate Plaintiff affidavits to Plaintiffs for review and further information
Akilah	Deernose	7/1/2021	3.2	Draft and research privacy section for BIS of PI
Akilah	Deernose	7/2/2021	4.2	Draft privacy/revise section of BIS of PI and call with co-counsel SH
Akilah	Deernose	7/2/2021	1	Review Ettner Declaration
Akilah	Deernose	7/7/2021	0.6	Team Call re: PI brief and associated docs
Akilah	Deernose	7/11/2021	2	Revise Client affidavits
Akilah	Deernose	7/12/2021	1.5	Call with Plaintiffs re: affidavits
Akilah	Deernose	7/13/2021	0.8	Call with co-counsel J.K. re: finalizing complaint and affidavits
Akilah	Deernose	7/13/2021	9.2	Draft Mtns for over length brief, motion for PI, and Attorney affidavit, review client affidavits, review and edit complaint circulate updated HRB complaint drafts to team and plaintiffs for review
Akilah	Deernose	7/14/2021	0.3	Team Call re: draft revisions and schedule for finalizing complaint and PI, circulation of drafts
Akilah	Deernose	7/14/2021	5.2	PI review and edit, update docs and circulate to plaintiffs and team
Akilah	Deernose	7/15/2021	0.5	Team Call re: complaint and PI
Akilah	Deernose	7/15/2021	4.2	Review and update Complaint and re-circulate to team, check cites and begin finalizing

Akilah	Deernose	7/16/2021	6	Finalizing complaint for filing and continued revise and update PI for filings
Akilah	Deernose	7/21/2021	0.1	Correspondence with Plaintiff JD
Akilah	Deernose	7/25/2021	4	Draft and research for motion to proceed pseudonymously
Akilah	Deernose	7/26/2021	4.8	Draft and research for motion to proceed pseudonymously , finalize and file MHRB docs
Akilah	Deernose	7/27/2021	4.2	Draft and research for motion and brief to proceed pseudonymously
Akilah	Deernose	7/28/2021	4	Update draft motion and brief for pseudonym filing and cite check
Akilah	Deernose	7/29/2021	1	updated drafts for leave to proceed under pseudonym filings
Akilah	Deernose	7/30/2021	1	Finalizing for Pseudonym filing
Akilah	Deernose	8/2/2021	0.8	Finalizing and filing Notice of Constitutional Questions, emails to counsel
Akilah	Deernose	8/3/2021	0.1	Correspondence with Plaintiffs re: MHRB
Akilah	Deernose	8/10/2021	0.1	Revise Proposed Order and sent to Opposing Counsel
Akilah	Deernose	8/12/2021	0.3	Review and confer on stipulated order, correspondence with Defendants' Counsel re: stip order
Akilah	Deernose	8/12/2021	0.1	Correspondence with Plaintiff JD re: MHRB
Akilah	Deernose	8/17/2021	0.7	Emails with Defendants re: signing stipulation, call with Deanne scheduling clerk
Akilah	Deernose	8/18/2021	0.5	Review D's Responsive pleading
Akilah	Deernose	8/22/2021	2.1	Review Defendant's Response to PI and MTD and outline/research
Akilah	Deernose	8/23/2021	0.5	Team Call re: complaint and PI
Akilah	Deernose	8/30/2021	0.1	Correspondence with Plaintiff John Doe
Akilah	Deernose	8/31/2021	2.2	Team Call re: PI Reply and MHRB (.6), MHRB research EP issues (1.6)
Akilah	Deernose	9/1/2021	1.2	Research for PI Reply Privacy section
Akilah	Deernose	9/3/2021	0.1	Correspondence with Plaintiffs re: check-in
Akilah	Deernose	9/7/2021	0.4	Call with Alex and research for PI Reply privacy section

Akilah	Deernose	9/7/2021	0.4	Call with Akilah re: PI reply
Akilah	Deernose	9/8/2021	3.5	Drafting and researching for PI Reply Privacy section
Akilah	Deernose	9/9/2021	3	Drafting and researching for PI Reply Privacy section
Akilah	Deernose	9/10/2021	0.3	Call with Client
Akilah	Deernose	9/11/2021	2	drafting and revising on draft PI Reply Privacy Section
Akilah	Deernose	9/12/2021	4	Drafting and revising PI reply Privacy Section
Akilah	Deernose	9/20/2021	1.5	Team Call: re PI Reply and MTD (.5) and drafting/editing MTD response (1)
Akilah	Deernose	9/21/2021	1.6	Editing and revising MTD response
Akilah	Deernose	9/22/2021	3	Editing and revising the PI Reply and MTD response
Akilah	Deernose	9/23/2021	4.2	Cite check, incorporate edits, finalizes PI Reply and MTD response
Akilah	Deernose	9/24/2021	0.4	Call with Plaintiff
Akilah	Deernose	9/24/2021	0.1	Correspondence with Plaintiffs re: case updates
Akilah	Deernose	9/30/2021	0.1	Correspondence with Defendants' Counsel re: Extension of time for State's MTD Reply
Akilah	Deernose	10/5/2021	0.1	Correspondence with Plaintiff John Doe re: case updates
Akilah	Deernose	10/28/2021	1.2	Review Defendants MTD Reply
Akilah	Deernose	11/2/2021	0.2	Call with Defendant's Counsel Katie Smithgall re: hearing schedule and date
Akilah	Deernose	11/3/2021	0.1	Correspondence with Defendants' Counsel re: scheduling oral argument with clerk
Akilah	Deernose	11/10/2021	0.6	Team Call : MHRB, Amended Complaint, Injunction hearing
Akilah	Deernose	11/10/2021	0.1	Correspondence with Plaintiffs re: MHRB claims and updates
Akilah	Deernose	11/11/2021	0.1	Correspondence with Defendants' Counsel re: dates for oral argument and email to clerk
Akilah	Deernose	11/12/2021	0.1	Correspondence with Defendants' Counsel re: dates for oral argument and email to clerk
Akilah	Deernose	11/15/2021	0.1	Check in with Defendants' Counsel Katie Smithgall re: position on AC

Akilah	Deernose	11/16/2021	0.2	Correspondence with Defendants' Counsel re: Motion to Amend
Akilah	Deernose	11/17/2021	0.3	Check in with A.Rate re: PI hearing oral argument
Akilah	Deernose	11/30/2021	0.6	Work on Amended Complaint
Akilah	Deernose	11/30/2021	0.1	Correspondence with Defendants' Counsel re: Amended Complaint
Akilah	Deernose	12/2/2021	0.4	Editing Amended Complaint
Akilah	Deernose	12/3/2021	1.3	Final editing and review of AC
Akilah	Deernose	12/6/2021	0.5	PI Hearing Prep
Akilah	Deernose	12/7/2021	4	PI Hearing Prep
Akilah	Deernose	12/8/2021	0.5	Check in with A.Rate re: PI hearing oral argument
Akilah	Deernose	12/8/2021	3	PI hearing prep
Akilah	Deernose	12/9/2021	5.1	PI Hearing oral argument prep
Akilah	Deernose	12/10/2021	4.4	PI Hearing oral argument prep (2.9) and moot (1.5)
Akilah	Deernose	12/10/2021	0.1	Correspondence with Plaintiffs: checking in
Akilah	Deernose	12/13/2021	1.7	PI Hearing oral argument prep
Akilah	Deernose	12/13/2021	0.2	Correspondence with Defendants' Counsel, review and signing of doc re: Stipulation to Electronic service
Akilah	Deernose	12/14/2021	0.1	Correspondence with Plaintiffs re: PI hearing
Akilah	Deernose	12/15/2021	2.7	PI Hearing prep
Akilah	Deernose	12/15/2021	4.2	PI Hearing prep, moot, revisions to argument post moot, practice, check in with AR (moot - 1.5, rest 2.7)
Akilah	Deernose	12/15/2021	0.1	Correspondence with Defendants' Counsel re: Oral Argument mechanics/schedule
Akilah	Deernose	12/16/2021	6	PI hearing prep, meeting with Alex, revise argument
Akilah	Deernose	12/16/2021	0.1	Correspondence with Plaintiffs re: PI hearing
Akilah	Deernose	12/17/2021	5.3	PI hearing prep

Akilah	Deernose	12/17/2021	0.1	Correspondence with Defendants' Counsel re: MHRB claims and Amended Complaint
Akilah	Deernose	12/18/2021	1.5	PI hearing oral argument prep
Akilah	Deernose	12/19/2021	4.5	PI hearing oral argument prep,
Akilah	Deernose	12/20/2021	6.5	PI hearing prep, practice and case law chart; team call
Akilah	Deernose	12/20/2021	0.2	Correspondence and call with Defendants' Counsel re: PI and relief
Akilah	Deernose	12/21/2021	8.75	PI hearing prep, pick up rental car, drive to Billings
Akilah	Deernose	12/22/2021	7.5	PI hearing final run through (2), hearing (1.2) post hearing debrief (.3), drive from Billings to Helena (4)
Akilah	Deernose	12/23/2021	0.1	Correspondence with Plaintiffs
Akilah	Deernose	1/4/2022	0.1	Correspondence with Defendants' Counsel re: Extension for Discovery
Akilah	Deernose	1/5/2022	1.3	Initial review of documents for FOFCOL briefing and outlining
Akilah	Deernose	1/5/2022	0.6	Work on post hearing briefing materials
Akilah	Deernose	1/5/2022	0.4	Team Call: debrief PI hearing division of labor for FOFCOL/post hearing briefing
Akilah	Deernose	1/5/2022	2	Cite Checking 2nd AC
Akilah	Deernose	1/7/2022	1.8	proposed FOFCOL drafting
Akilah	Deernose	1/7/2022	3.5	Work on Class Cert Brief
Akilah	Deernose	1/11/2022	0.2	Prep call re: status conference
Akilah	Deernose	1/11/2022	0.2	Email to opposing counsel, correspondences with team re: status conference
Akilah	Deernose	1/11/2022	0.2	Status Conference with Court
Akilah	Deernose	1/12/2022	0.1	Correspondence with Defendants' Counsel re: dates/order of events for stipulated scheduling order
Akilah	Deernose	1/13/2022	1	Researching and editing Statement regarding D's Notice of Supplemental Authority
Akilah	Deernose	1/14/2022	0.1	Correspondence with Defendants' Counsel re: stipulated scheduling order
Akilah	Deernose	1/17/2022	0.8	Review materials for proposed FOFCOL

Akilah	Deernose	1/19/2022	0.1	Correspondence with Defendants' Counsel re: stipulated scheduling order
Akilah	Deernose	1/19/2022	2	Review materials and work on draft proposed FOCOL
Akilah	Deernose	1/20/2022	3.5	Review materials and work on draft proposed FOCOL
Akilah	Deernose	1/21/2022	1.2	Work on draft sections of proposed FOFCOL
Akilah	Deernose	1/26/2022	0.4	Meeting with FOFCOL drafting team
Akilah	Deernose	1/28/2022	1.5	Review Mtn to Dismiss AC and related research related to statutory claims and discrimination
Akilah	Deernose	2/1/2022	1	Team Meeting (.5) and drafting team meeting for FOFCOL (.5)
Akilah	Deernose	2/2/2022	0.5	Meeting with new attorney team member JD and James Esseks and sharing docs
Akilah	Deernose	2/4/2022	0.5	Correspondences with new counsel to get up to date and team for drafting duties
Akilah	Deernose	2/9/2022	2.5	Research, editing, and revising draft response to D's renewed MTD
Akilah	Deernose	2/10/2022	1.4	Revising and incorporating edits to Response to D's renewed MTD, review local rules
Akilah	Deernose	2/11/2022	6	Revising, finalizing, cite checking Response to D's renewed MTD
Akilah	Deernose	2/17/2022	5.2	Consolidate draft sections into FOFCOL, revise and reorganize
Akilah	Deernose	2/18/2022	0.8	Meeting with FOFCOL drafting team to discuss revisions and finalizing next steps, follow up circulating of drafts
Akilah	Deernose	2/23/2022	0.3	Correspondence with Plaintiffs
Akilah	Deernose	2/28/2022	1.1	FOFCOL Drafting and editing
Akilah	Deernose	3/1/2022	1.2	FOFCOL drafting and revising (.8), call (.4)
Akilah	Deernose	3/3/2022	6.4	Review FOFCOL, integrated edits, cite checking, and finalize
Akilah	Deernose	3/4/2022	8.2	Integrated versions and edits of the drafting, reviewing cite checks, finalizing
Akilah	Deernose	3/9/2022	2.5	Review Defendants' FOFCOL and Reply BIS MTD
Akilah	Deernose	3/10/2022	2	Reviewing rules, prep for meeting
Akilah	Deernose	3/10/2022	0.5	Call with Plaintiff Amelia Marquez re: updates and depositions

Akilah	Deernose	3/11/2022	0.5	Team Meeting
Akilah	Deernose	3/21/2022	2	Working on Proof Chart for material facts
Akilah	Deernose	3/22/2022	2	Draft Proof Chart for material facts
Akilah	Deernose	3/22/2022	0.1	Correspondence with Plaintiff JD re: check in and updates
Akilah	Deernose	3/23/2022	3.4	Drafting Proof Chart for material facts and summary of issues
Akilah	Deernose	3/24/2022	1.7	Working on proof chart for material facts and circulate first draft to team for review
Akilah	Deernose	3/24/2022	1	Team Call: re proof chart and division of labor
Akilah	Deernose	3/24/2022	0.7	Call with M.Picasso re: experts, clients, and witnesses
Akilah	Deernose	4/6/2022	0.5	Proof Chart
Akilah	Deernose	4/7/2022	2.5	Worked on Proof chart for material facts
Akilah	Deernose	4/7/2022	1	Interviewed KTM on birth certificate experiences (parent of trans kids)
Akilah	Deernose	4/7/2022	0.1	Call with JD re expert wits
Akilah	Deernose	4/8/2022	1	Team Meeting: Discovery and Experts
Akilah	Deernose	4/8/2022	3.2	Worked on proof chart to determine what material facts remain in dispute (based on D's PFOF) and circulated to team via email with team meeting agenda
Akilah	Deernose	4/11/2022	0.5	Meeting with SH to discuss 2017 Rule for Gender Chang policy
Akilah	Deernose	4/12/2022	1.2	Meeting with ND to discuss 2017 Rule for Gender Change policy
Akilah	Deernose	4/12/2022	1	Meeting with Plaintiff John Doe to discuss experiences with experiences with birth certificate and discrimination
Akilah	Deernose	4/13/2022	1	Meeting with Plaintiff to discuss birth certificate experiences and discrimination
Akilah	Deernose	4/21/2022	1	Reading PI Order from the Court
Akilah	Deernose	4/21/2022	0.1	Correspondence with Plaintiffs: re Order
Akilah	Deernose	4/21/2022	1	Outlining and researching potential issues and next steps based on courts order
Akilah	Deernose	4/22/2022	1	Review Order and mootness research

Akilah	Deernose	4/22/2022	1	Team Meeting
Akilah	Deernose	4/22/2022	1	Interview with potential Expert Dr. Ayden Scheim
Akilah	Deernose	4/26/2022	1.5	Team Meeting
Akilah	Deernose	4/26/2022	0.4	Emails with Colin Gertsner re: PI Order
Akilah	Deernose	4/26/2022	0.1	Review LE letter
Akilah	Deernose	4/27/2022	0.5	Call to check in with clients
Akilah	Deernose	4/28/2022	0.1	Email with Defendant's counsel K. Smithgall re: setting up call for scheduling conference
Akilah	Deernose	4/29/2022	0.8	Reached out to potential experts and witnesses, research discovery related to SJ, correspondence with opposing counsel re: schedule conference
Akilah	Deernose	5/2/2022	1.3	Call with Jon Davidson re: strategy, research status quo
Akilah	Deernose	5/3/2022	3	Reach out to potential experts, follow up with Nick D. Research SJ Motions 56, outline contested facts, research vital statistic uses
Akilah	Deernose	5/4/2022	1.4	Research Mont R. Civ P, review expert report, prepare questions to ask experts
Akilah	Deernose	5/4/2022	1.5	Research, review expert info, prepare questions for expert interview, review Schecter info, review Rule 56 and 26
Akilah	Deernose	5/5/2022	0.3	Research local rules and MRCivP
Akilah	Deernose	5/5/2022	2	Prep and call with Expert Dr. S
Akilah	Deernose	5/5/2022	0.8	Interview with Mark Muir (Law Enforcement)
Akilah	Deernose	5/6/2022	0.8	Research expert materials and review
Akilah	Deernose	5/6/2022	0.1	Emails with Clerk and opposing counsel re: scheduling
Akilah	Deernose	5/6/2022	1	Team Meeting
Akilah	Deernose	5/9/2022	0.3	emails to potential experts and check in with clients
Akilah	Deernose	5/9/2022	0.4	Meeting with Dr. Ayden Scheim
Akilah	Deernose	5/11/2022	1	Review Answer and begin to compare facts with AC

Akilah	Deernose	5/11/2022	2.2	Interview with potential expert Dr. BC: Mental health and ID and review materials
Akilah	Deernose	5/12/2022	1	Research Mootness exemption 9th circuit and prep for team meeting
Akilah	Deernose	5/12/2022	1.5	Reviewed and organized facts from Answer and AC
Akilah	Deernose	5/12/2022	1.5	Research remedies for non-compliance
Akilah	Deernose	5/12/2022	0.5	Call with ND re: DPHHS compliance
Akilah	Deernose	5/13/2022	1.1	Team Meeting re: DPHHS non-compliance
Akilah	Deernose	5/16/2022	1.3	Meeting with new team member Arli: get up to speed on case
Akilah	Deernose	5/19/2022	0.7	Research Appellate procedure and class certification
Akilah	Deernose	5/23/2022	0.1	Correspondence with Plaintiff Amelia Marquez
Akilah	Deernose	5/23/2022	1.8	Research Motion to enforce vs. motion to clarify
Akilah	Deernose	5/23/2022	0.5	Meeting with co-counsel to prep for meet and confer with opposing counsel
Akilah	Deernose	5/23/2022	0.3	Meet and Confer with opposing counsel re: non compliance with PI
Akilah	Deernose	5/23/2022	0.2	Meet and Confer debrief meeting with co-counsel (JD)
Akilah	Deernose	5/24/2022	0.5	Meeting prep
Akilah	Deernose	5/24/2022	0.5	Team Meeting
Akilah	Deernose	5/26/2022	0.9	Edit Malita's Doc and reviewing Arli's research
Akilah	Deernose	5/26/2022	0.2	Email exchange with opposing counsel re: scheduling conference
Akilah	Deernose	5/26/2022	1	Meeting with law school professor: re vital statistic and other uses for birth certificate data
Akilah	Deernose	5/26/2022	0.2	Scheduling conference with Deanne
Akilah	Deernose	5/26/2022	0.7	Edit Malita's Mtn to clarify
Akilah	Deernose	5/26/2022	1	Meeting with co-counsel: Mtn to Clarify Draft
Akilah	Deernose	5/27/2022	1	Interview with Intersex individual (with co-counsel FTH)
Akilah	Deernose	5/27/2022	1.2	Work on draft Mtn to clarify

Akilah	Deernose	5/31/2022	0.6	Meeting with Potential Expert Isabelle Horon
Akilah	Deernose	5/31/2022	1	Meeting with co-counsel (MP and FTH) re: Mtn to Clarify Draft
Akilah	Deernose	6/1/2022	1	Review of Expert Decs
Akilah	Deernose	6/2/2022	2.9	Work on draft Mtn to clarify
Akilah	Deernose	6/2/2022	1.2	Affidavits for Mtn to Clarify
Akilah	Deernose	6/3/2022	1	Prep and meeting with Expert Dr. BC
Akilah	Deernose	6/3/2022	3	Work on draft Mtn to clarify
Akilah	Deernose	6/3/2022	0.4	Client Meeting and correspondence re: Mtn to Clarify and next steps
Akilah	Deernose	6/3/2022	1	Team Meeting
Akilah	Deernose	6/4/2022	0.5	Work on draft Mtn to clarify
Akilah	Deernose	6/6/2022	3	Incorporating edits and cite checking Mtn to Clarify
Akilah	Deernose	6/7/2022	1	Call with potential Plaintiff
Akilah	Deernose	6/7/2022	4.3	Finalizing and editing Mtn to clarify docs to file
Akilah	Deernose	6/8/2022	0.6	Interview with Expert: Bryan Cochran
Akilah	Deernose	6/17/2022	1	Team Meeting
Akilah	Deernose	6/21/2022	0.8	Meeting with re: DPHHS Proposed Rule Hearing Prep
Akilah	Deernose	6/28/2022	0.4	Review and Edit letter to submit to DPHHS Hearing record
Akilah	Deernose	6/28/2022	0.1	Email opposing counsel registering their position on P's submitting a letter to DPHHS Hearing Record and providing courtesy copy
Akilah	Deernose	6/28/2022	0.3	Review Dr. Schechter's Declaration
Akilah	Deernose	6/28/2022	0.5	Team Meeting
Akilah	Deernose	6/29/2022	0.2	Call with Plaintiff
Akilah	Deernose	6/29/2022	0.3	Call with expert Bryan Cochran

Akilah	Deernose	6/29/2022	0.2	Clarification email to Opposing Counsel and update draft letter to submit at DPHHS Hearing
Akilah	Deernose	6/29/2022	1	Review outline for Reply Brief and re-read State's Response Brief
Akilah	Deernose	6/29/2022	1.5	Meeting Re: Motion to Clarify Reply Brief and preliminary outlining
Akilah	Deernose	6/29/2022	2.8	Reading materials and drafting Motion to Clarify Reply Brief
Akilah	Deernose	6/30/2022	2.8	Viewed DPHHS Hearing Re: proposed rule and read the transcript
Akilah	Deernose	6/30/2022	0.5	Meeting with co-counsel (FTH) re: Mtn to Clarify Reply Brief Draft
Akilah	Deernose	6/30/2022	6	Research, drafting, editing Reply Brief Mtn to Clarify Draft
Akilah	Deernose	7/1/2022	0.4	Meeting with co-counsel (FTH) re: Mtn to Clarify Draft
Akilah	Deernose	7/1/2022	5.4	Drafting and editing Reply Brief Mtn to Clarify
Akilah	Deernose	7/1/2022	1.3	Meeting with co-counsel (JD) and further drafting and edits of draft Brief Mtn to Clarify
Akilah	Deernose	7/4/2022	2.8	Meeting with TH and revising draft Mtn to Clarify
Akilah	Deernose	7/5/2022	4.7	Finalizing, incorporating final edits, citing checking, and filing Mtn to Clarify
Akilah	Deernose	7/8/2022	1	Team Meeting: Litigation Strategy
Akilah	Deernose	7/12/2022	0.9	Meeting with Arli, Malita and Law Enforcement Expert
Akilah	Deernose	7/20/2022	2.3	Review and edit draft for CC and BIS
Akilah	Deernose	7/21/2022	0.1	Correspondence with Plaintiff Amelia Marquez re: updates
Akilah	Deernose	8/3/2022	1	Team Meeting re: hearing on Mtn to Clarify
Akilah	Deernose	8/11/2022	0.1	Correspondence with Plaintiff JD re: updates
Akilah	Deernose	8/29/2022	1.5	Review docs to prep for Mtn to Clarify Moot
Akilah	Deernose	8/31/2022	1.3	Mtn to Clarify Moot
Akilah	Deernose	9/6/2022	0.5	Review materials for Mtn to Clarify Moot
Akilah	Deernose	9/8/2022	0.5	Prep for Mtn to Clarify Hearing Moot

Akilah	Deernose	9/8/2022	1.7	Moot for Mtn to Clarify Hearing and short follow up meeting
Akilah	Deernose	9/9/2022	0.7	Read the State's Notice of Rule Amendment, cross reference
Akilah	Deernose	9/12/2022	0.5	Review and provide feedback on hearing outline
Akilah	Deernose	9/12/2022	0.6	Team Meeting: Final hearing prep
Akilah	Deernose	9/14/2022	0.2	Correspondence and updates with Plaintiffs
Akilah	Deernose	9/14/2022	0.5	Rental Car pick up
Akilah	Deernose	9/14/2022	4	Travel to Billings for Mtn to Clarify Hearing
Akilah	Deernose	9/15/2022	5	Hearing on Mtn to Clarify, Debrief team meeting, drive home from Billings
Akilah	Deernose	9/27/2022	0.3	Research SJ
Akilah	Deernose	9/28/2022	3.2	Team Meeting: MSC Writ (.7), summary response research, review of writ, BIS of Mtn for 2nd AC, update CC brief (2.5)
Akilah	Deernose	10/3/2022	2.8	Research and edit Mtn and BIS for Class Cert
Akilah	Deernose	10/3/2022	1.5	Edit BIS Mtn for Leave to file 2nd AC
Akilah	Deernose	10/3/2022	0.6	Team Meeting
Akilah	Deernose	10/3/2022	0.2	Call with Malita re: 2nd AC
Akilah	Deernose	10/3/2022	0.1	email and scheduling
Akilah	Deernose	10/4/2022	0.5	Review D's Writ for Supervisory Control and research MT WSC law
Akilah	Deernose	10/6/2022	5.4	Montana Supreme Court Summary Response Drafting and research for sections
Akilah	Deernose	10/7/2022	6.5	MSC Summary response continued research and drafting sections
Akilah	Deernose	10/11/2022	7.5	MSC Summary response continued research and drafting sections
Akilah	Deernose	10/12/2022	2	Review suggested edits and research accordingly, revise and team meeting
Akilah	Deernose	10/15/2022	1.5	MS Brief edits
Akilah	Deernose	10/16/2022	3	MSC Brief edits and organization of docs
Akilah	Deernose	10/17/2022	2	MSC cite checking

Akilah	Deernose	10/18/2022	2.2	Final review and editing MSC Summary Response brief and email team
Akilah	Deernose	10/21/2022	13	Editing and reviewing 2nd AC and correspondence with Plaintiff Amelia Marquez
Akilah	Deernose	10/24/2022	1.5	Research venue, edit and revise draft 2nd AC and Class Cert briefs and email team
Akilah	Deernose	10/24/2022	0.3	Correspondence with Plaintiff Amelia Marquez: re questions and info 2nd AC
Akilah	Deernose	10/25/2022	5.4	Revise, editing, cite checking BIS of 2nd AC and related research
Akilah	Deernose	10/25/2022	0.1	Email opposing counsel Katie Smithgall
Akilah	Deernose	10/26/2022		Cite Checking 2nd AC
Akilah	Deernose	10/26/2022	0.1	Correspondence with Defendants' Counsel re: position on Rule 23 Motion
Akilah	Deernose	10/27/2022	1.3	Incorporate final edits and review final drafts of 2nd AC and CC filings
Akilah	Deernose	11/7/2022	0.1	Correspondence with Defendants' Counsel re: extension for State's Response
Akilah	Deernose	11/21/2022	1.5	Draft Discovery: interrogatories and RFAs
Akilah	Deernose	11/22/2022	2	Draft Discovery interrogatories and RFAs
Akilah	Deernose	11/28/2022	2.5	Draft discovery interrogatories and rfas and circulate to the group for review
Akilah	Deernose	11/28/2022	0.2	Call with Plaintiff
Akilah	Deernose	12/7/2022	0.6	Team Call
Akilah	Deernose	12/14/2022	0.1	Email with Defendants' Counsel Katie Smithgall re: position on 21 day extension for pending 2nd AC and Class Cert
Akilah	Deernose	12/21/2022	1	Finalize edits and review first discovery request, review reply draft
Akilah	Deernose	12/21/2022	0.4	Team Meeting: Discovery and Class Cert
Akilah	Deernose	12/22/2022	0.1	Email to Defendants; Counsel re: Plaintiffs First Discovery request
Akilah	Deernose	12/26/2022	0.5	Call with Plaintiff re: case updates and questions
Akilah	Deernose	12/29/2022	3.3	Reply Brief 2nd AC
Akilah	Deernose	12/30/2022	0.2	Correspondence and call with Defendants' Counsel re: post hearing briefing schedule

Akilah	Deernose	1/3/2023	4	Drafting and editing Class Cert and 2nd AC
Akilah	Deernose	1/5/2023	0.5	Work on Class Cert docs
Akilah	Deernose	1/6/2023	3.2	Editing and Cite Checking Class Cert and 2nd AC docs
Akilah	Deernose	1/12/2023	0.9	Team Meeting Re: MSC order and Defendant's Notice of Supplemental Authority
Akilah	Deernose	1/25/2023	0.1	Correspondence with Plaintiffs re: updates and filings
Akilah	Deernose	2/13/2023	2.4	Edit and circulate expert disclosures draft and declarations
Akilah	Deernose	2/21/2023	0.2	Plaintiff communication re: depositions and filings
Akilah	Deernose	2/22/2023	0.2	Call with Jon Davidson re: discovery
Akilah	Deernose	2/22/2023	0.1	Correspondence with Defendants' attorney re: stipulated protective order for deposition
Akilah	Deernose	2/22/2023	3	Review Defendants discovery responses and docs
Akilah	Deernose	2/24/2023	0.3	Meeting with Raph (supervising attorney) re: Discovery insufficiency
Akilah	Deernose	2/24/2023	0.2	Correspondence with Plaintiff re: safety concerns
Akilah	Deernose	2/25/2023	0.5	Outline discovery insufficiencies
Akilah	Deernose	2/26/2023	0.5	Review D's discovery and research discovery rules
Akilah	Deernose	2/26/2023	0.5	Call with Plaintiff
Akilah	Deernose	2/26/2023	0.1	Correspondence with Plaintiff JD re: updates
Akilah	Deernose	2/27/2023	1	Team Call: re D's Discovery responses
Akilah	Deernose	2/28/2023	0.1	Correspondence with Defendants' attorney re: stipulated protective order for deposition
Akilah	Deernose	3/2/2023	0.6	Review Order denying Plaintiffs motion to file 2nd AC and CC
Akilah	Deernose	3/2/2023	0.2	Correspondence with Plaintiffs re: deposition
Akilah	Deernose	3/3/2023	1	Team Meeting
Akilah	Deernose	3/8/2023	1	Discovery letter review and disco review w priv log

Akilah	Deernose	3/9/2023	0.7	Team Call re: discovery and call with Defendants' attorney re: discovery deficiency, inform team of results of call review D's first discover requests
Akilah	Deernose	3/9/2023	0.4	Correspondence and call with Plaintiff JD re: deposition
Akilah	Deernose	3/10/2023	1	Research Motion for SJ and share resources with Malita for drafting
Akilah	Deernose	3/10/2023	0.2	Call with Defendants' Counsel re: deposition scheduling and follow up correspondence
Akilah	Deernose	3/14/2023	0.1	Email with Defendants' Counsel re: extension
Akilah	Deernose	3/15/2023	2	Revise SJ draft brief and team meeting
Akilah	Deernose	3/16/2023	1.5	Revise/edit SJ draft brief and circulate to the team
Akilah	Deernose	3/16/2023	0.1	Correspondence with Defendants' attorney re: scheduling conference
Akilah	Deernose	3/16/2023	2	Finalizing SJ draft and associated docs
Akilah	Deernose	3/17/2023	2	Finalizing SJ brief and associated docs, cite checking
Akilah	Deernose	3/19/2023	1.8	Finalizing and cite checking SJ brief and associated docs
Akilah	Deernose	3/20/2023	4	Finalizing SJ brief and associated docs, cite checking, and filing. Correspondence with Defendants' counsel re: call for 3/22
Akilah	Deernose	3/21/2023	0.1	Correspondence with Thane re: scheduling conference and agreement to pause discovery
Akilah	Deernose	3/22/2023	0.9	Prep for status conference (.4), status conference (.3), and follow up meeting with team to discuss and follow up correspondence with Defendants' attorney (.2).
Akilah	Deernose	4/10/2023	0.7	Correspondence with D's attorney re: scope of order vacating June 2, 2022 Scheduling Order and follow up correspondence with team apprising them of conversation. Review Defendant's SJ Response
Akilah	Deernose	4/12/2023	0.75	Team Meeting to discuss Defendant's SJ Response and Plaintiffs' Reply
Akilah	Deernose	4/15/2023	0.1	Correspondence with Plaintiff
Akilah	Deernose	4/18/2023	2	Review and revise SJ Reply brief

Akilah	Deernose	4/19/2023	1.5	Revise and circulate SJ Reply brief to team
Akilah	Deernose	4/20/2023	1	Review and incorporate edits and make further edits, circulate to team- two drafts
Akilah	Deernose	4/23/2023	3	Finalize, cite checking, incorporate edits and circulate updated draft to team
Akilah	Deernose	4/24/2023	0.3	Review and send draft for filing
TOTAL		x300	526.50	\$157,950.00
ALEX RATE				
Alex	Rate	5/24/2022	0.5	Call with team to discuss motion for clarification
Alex	Rate	5/30/2022	2.5	Revision of Brief in support of motion for clarification
Alex	Rate	6/3/2022	1	Team call
Alex	Rate	6/24/2022	0.9	DPHHS hearing prep
Alex	Rate	6/30/2022	2.2	DPHHS hearing
Alex	Rate	8/31/2022	1	Malita moot
Alex	Rate	9/15/2022	4	Travel to and from Billings for Argument
Alex	Rate	9/15/2022	1.2	Hearing on motion to clarify
Alex	Rate	3/4/2021	0.50	Group call re: case
Alex	Rate	4/19/2021	0.5	Call with Nixon Peabody to discuss strategy
Alex	Rate	4/21/2021	0.5	Call with potential Plaintiff
Alex	Rate	4/23/2021	1.5	Revisions to complaint
Alex	Rate	4/26/2021	0.5	Call with Nixon Peabody to discuss strategy
Alex	Rate	4/28/2021	0.5	Call with potential plaintiff
Alex	Rate	5/3/2021	0.5	Call with JK to discuss strategy
Alex	Rate	5/24/2021	0.5	Call with AM
Alex	Rate	6/1/2021	0.5	Call with AM
Alex	Rate	6/4/2021	0.9	Call with potential plaintiff
Alex	Rate	6/15/2021	2.5	Calls with plaintiffs (1.5); team call (1)
Alex	Rate	6/21/2021	0.5	Follow up with Plaintiff MW
Alex	Rate	6/22/2021	1.5	Strategy call with team
Alex	Rate	6/25/2021	0.3	Revision to co counsel agreement
Alex	Rate	7/4/2021	4.1	Revision to PI Brief
Alex	Rate	7/7/2021	0.60	Strategy call with team
Alex	Rate	7/29/2021	0.7	Motion to proceed pseudonymously
Alex	Rate	8/26/2021	1.1	Review of MTD and opposition to PI
Alex	Rate	8/26/2021	0.4	Motion for extension of time
Alex	Rate	8/31/2021	0.6	Call to discuss reply and response briefs
Alex	Rate	9/1/2021	0.2	Call with HRB to discuss exhaustion
Alex	Rate	9/8/2021	0.6	Review of state's response to HRB complaint
Alex	Rate	9/20/2021	4.1	PI Reply and MTD response
Alex	Rate	9/20/2021	0.5	Call with co-counsel about Reply
Alex	Rate	9/22/2021	1.8	PI Reply and MTD response

Alex	Rate	9/23/2021	4.9	PI Reply and MTD response
Alex	Rate	10/28/2021	0.9	Review of State's MTD Reply
Alex	Rate	11/10/2021	0.6	Call with team to discuss amended complaint and oral argument
Alex	Rate	11/12/2021	0.1	Correspondence re: hearing date for MTD and PI
Alex	Rate	11/17/2021	0.3	Call with Akilah to discuss oral argument
Alex	Rate	12/2/2021	2.1	Oral argument prep, MTD
Alex	Rate	12/2/2021	0.8	Amended complaint, motion for leave
Alex	Rate	12/7/2021	2.9	Prep for oral argument on MTD
Alex	Rate	12/10/2021	1.5	Moot
Alex	Rate	12/15/2021	4.1	Prep for oral argument on MTD and PI
Alex	Rate	12/15/2021	1.5	Moot
Alex	Rate	12/16/2021	6.1	Prep for oral argument on MTD and PI, meet with Akilah
Alex	Rate	12/17/2021	5.1	Prep for oral argument on MTD and PI
Alex	Rate	12/20/2021	3.4	Prep for oral argument on MTD and PI; team call
Alex	Rate	12/21/2021	5.5	Prep for oral argument on MTD and PI
Alex	Rate	12/22/2021	4	Travel to and from Billings for Argument
Alex	Rate	12/22/2021	1.2	Oral argument on MTD and PI
Alex	Rate	1/5/2022	0.4	Call to discuss next steps (FOF&COL, Brief)
Alex	Rate	1/11/2022	0.2	Call with court to discuss briefing schedule
Alex	Rate	1/31/2022	0.8	Review of state's new MTD
Alex	Rate	2/1/2022	0.5	Team meeting
Alex	Rate	2/27/2022	2.1	Review of FOF&COL
Alex	Rate	3/4/2022	0.8	Review of FOF&COL
Alex	Rate	4/11/2022	0.50	Call with Hogan and co-counsel
Alex	Rate	4/21/2022	0.8	Review of PI Order
Alex	Rate	4/26/2022	1.50	Call with team
Alex	Rate	5/5/2022	0.2	Call with State to discuss discovery issues
Alex	Rate	5/6/2022	1	Call with team to discuss discovery issues
Alex	Rate	5/13/2022	1	Call with team to discuss discovery issues
Alex	Rate	6/3/2022	1	Team call
Alex	Rate	6/24/2022	0.9	DPHHS hearing prep
Alex	Rate	9/22/2022	0.7	Call to discuss amendment of complaint
Alex	Rate	9/23/2022	0.5	Review of petition for writ of supervisory control
Alex	Rate	9/26/2022	0.4	Discussion of petition for writ
Alex	Rate	9/28/2022	1.1	Revisions to brief in support of motion to file 2nd AC
Alex	Rate	9/28/2022	0.7	Marquez team meeting to discuss writ
Alex	Rate	9/29/2022	0.1	Review of MSC order to respond to writ
Alex	Rate	9/30/2022	2.9	Revisions to motion for class cert
Alex	Rate	10/3/2022	0.6	Call to discuss summary response to writ
Alex	Rate	3/22/2023	0.30	Status Conference
Alex	Rate	6/7/2023	0.6	Weekly call

Alex	Rate	6/13/2023	0.3	Revision of settlement communication to Thane
Alex	Rate	8/4/2023	0.4	Re-review of SJ and sanctions order
Alex	Rate	8/9/2023	0.5	Team call
Alex	Rate	8/16/2023	0.5	Call with team re: attorneys fees and costs
Alex	Rate	8/18/2023	0.1	Correspondence with Randy Bishop re: expert services
Alex	Rate	8/25/2023	0.7	Review of Rule 60 motion
Alex	Rate	8/28/2023	0.3	Review of SJ/Contempt transcript
Alex	Rate	8/30/2023	0.6	Call with team re: Rule 60 motion
Alex	Rate	9/1/2023	2.1	Rule 60 response
Alex	Rate	9/13/2023	0.5	Call with team re: R60
Alex	Rate	9/14/2023	1.1	Rule 60 response revision
Alex	Rate	9/20/2023	1.8	Rule 60 response revision
Alex	Rate	10/23/2023	0.6	Review of State's Rule 60 Reply
Alex	Rate	12/20/2023	0.5	Team call re: R60
Alex	Rate	2/3/2024	0.6	Review of motion to certify, correspondence regarding next steps
Alex	Rate	2/23/2024	0.2	Review of Rule 54 brief
TOTAL		x350	114.60	\$40,110.00

JOHN KNIGHT

John	Knight	4/26/2021	0.90	.3 – review cases regarding exhaustion, .1 – review draft complaint, call with co-counsel – .5
John	Knight	4/27/2021	2.70	review/edit draft complaint
John	Knight	5/3/2021	0.50	conf with co-counsel re plaintiffs, complaint, agreements
John	Knight	6/10/2021	0.40	Emails re new possible plaintiff
John	Knight	6/22/2021	2.30	Montana law and complaint review
John	Knight	6/22/2021	1.50	Call with co-counsel re: strategy
John	Knight	6/26/2021	0.20	Prepare retention letter for Dr. Ettner
John	Knight	6/29/2021	0.80	Review Ettner declarations from other similar matters, finalize retention agreement, review MT rules re experts and email to co-counsel
John	Knight	6/29/2021	0.40	Work on draft declaration for Ettner's review.
John	Knight	7/1/2021	0.80	Call with Dr. Ettner
John	Knight	7/6/2021	0.60	Calls with Dr. Ettner re affidavit edits
John	Knight	7/6/2021	0.70	Review Ettner declaration again
John	Knight	7/6/2021	1.50	Review and edit M for PI
John	Knight	7/7/2021	5.00	Review and edit M for PI
John	Knight	7/7/2021	0.60	Team call re: strategy
John	Knight	7/9/2021	0.50	Call with Ettner re changes to report to get it finalized
John	Knight	7/12/2021	2.20	Review and edit both affidavits

John	Knight	7/12/2021	1.50	Calls with clients to finalize affidavits
John	Knight	7/13/2021	0.30	Review and final edits on Marquez affidavit
John	Knight	7/13/2021	0.90	Review complaint
John	Knight	7/13/2021	0.80	Call with co-counsel - AL- re: complaint and affidavits
John	Knight	7/14/2021	1.30	Review and edit PI brief
John	Knight	7/14/2021	0.30	Call with co-counsel
John	Knight	7/14/2021	0.70	Review and edit complaint
John	Knight	7/18/2021	1.20	Review John D. for PI edits
John	Knight	7/19/2021	0.30	Review of John D. for PI
John	Knight	8/31/2021	0.60	Call with co-counsel re: strategy
John	Knight	9/20/2021	0.5	Call with co-counsel re: strategy
John	Knight	11/10/2021	0.60	Team call re: strategy
John	Knight	12/9/2021	0.80	Review briefs, draft notes to assist with oral argument
John	Knight	12/15/2021	1.50	Moot
John	Knight	1/5/2022	0.4	Team call re: next steps
TOTAL =		x550	33.30	\$18,315.00
JON DAVIDSON				
Jon	Davidson	2/1/2022	0.2	Discuss case with National ACLU Legal Director
Jon	Davidson	2/2/2022	0.5	Zoom call with Akilah Deernose and National ACLU Legal Director re opposition to motion to dismiss
Jon	Davidson	2/2/2022	0.6	Review complaint and amended complaint; emails with Akilah Deernose
Jon	Davidson	2/3/2022	4.6	Review motion to dismiss complaint, opposition, and reply, and motion to dismiss amended complaint
Jon	Davidson	2/4/2022	1.5	Analyze and research potential arguments for opposition to motion to dismiss amended complaint and email with Akilah Deernose re these
Jon	Davidson	2/7/2022	0.1	Review emails re motion to dismiss amended complaint from Thomas Hecht and Akilah Deernose and respond
Jon	Davidson	2/8/2022	0.2	Review and edit notice of appearance and email revised version to Krystal Pickens
Jon	Davidson	2/8/2022	0.5	Review and edit pro hac vice application and email with Krystal Pickens regarding it
Jon	Davidson	2/9/2022	0.2	Emails with Thomas Hecht and Akilah Deernose re review of draft opposition to motion to dismiss amended complaint
Jon	Davidson	2/9/2022	1.9	Review and edit draft opposition to motion to dismiss amended complaint and email edited version to co-counsel

Jon	Davidson	2/10/2022	0.1	Emails with Akilah Deernose and Krystal Pickens re pro hac vice application and opposition to motion to dismiss amended complaint
Jon	Davidson	2/10/2022	0.2	Review and edit revised opposition to motion to dismiss amended complaint
Jon	Davidson	2/11/2022	0.5	Get pro hac vice application notarized and mailed
Jon	Davidson	2/22/2022	0.2	Call with Sean O'Connor at Montana State Bar re pro hac vice application and emails with Krystal Pickens re notice of appearance
Jon	Davidson	2/25/2022	0.1	Review letter from Montana State Bar re pro hac vice application
Jon	Davidson	2/27/2022	2.5	Review and edit proposed findings of fact and conclusions of law
Jon	Davidson	2/27/2022	0.1	Review Alex Rate edits on proposed findings of fact and conclusions of law
Jon	Davidson	3/1/2022	0.4	Call with co-counsel re proposed findings of fact and conclusions of law and pro hac vice status
Jon	Davidson	3/1/2022	2.4	Review and edit revised proposed findings of fact and conclusions of law
Jon	Davidson	3/3/2022	0.2	Draft email to Malita Picasso re case developments in her absence
Jon	Davidson	3/3/2022	0.1	Draft email to co-counsel re pro hac vice issue
Jon	Davidson	3/3/2022	0.1	Review and respond to Malita Picasso email re direct citations in proposed findings of fact and conclusions of law
Jon	Davidson	3/4/2022	0.1	Review defendants' reply brief in support of motion to dismiss amended complaint
Jon	Davidson	3/4/2022	0.1	Review defendants' proposed findings of fact and conclusions of law
Jon	Davidson	3/4/2022	0.5	Review and edit near final version of proposed findings of fact and conclusions of law and email Akilah Deernose re these
Jon	Davidson	3/11/2022	0.5	Call with co-counsel re next steps once court rules on motions to dismiss
Jon	Davidson	3/11/2022	0.7	Research potential experts and email Malita Picasso re expert issues
Jon	Davidson	3/14/2022	1.1	Research and compile rulings and state agency and officials' statements re state sex discrimination laws covering gender identity discrimination
Jon	Davidson	3/15/2022	0.5	Listen to oral argument in Corbitt appeal and email co-counsel re it
Jon	Davidson	3/15/2022	0.2	Emails with potential expert witnesses

Jon	Davidson	3/18/2022	0.1	Review email from Krystal Pickens re pro hac vice issue and response
Jon	Davidson	3/20/2022	0.1	Email co-counsel re further co-counsel meetings
Jon	Davidson	3/23/2022	0.1	Review email from potential expert witness
Jon	Davidson	3/23/2022	0.3	Review Scheim study
Jon	Davidson	3/23/2022	0.2	Email co-counsel re expert witnesses; review agenda for co-counsel call
Jon	Davidson	3/24/2022	0.8	Review draft proof chart and research proof charts
Jon	Davidson	3/24/2022	1	Co-counsel call re experts, proof chart, clients
Jon	Davidson	3/24/2022	0.1	Email ACLU attorneys and co-counsel re proof plans
Jon	Davidson	3/29/2022	0.1	Emails with Krystal Pickens and Akilah Deernose re filing notice of appearance
Jon	Davidson	3/31/2022	0.1	Email co-counsel re proof plan
Jon	Davidson	4/4/2022	0.9	Prepare for and conduct call with potential expert witness
Jon	Davidson	4/5/2022	0.1	Review email from Akilah Deernose re co-counsel meetings and respond
Jon	Davidson	4/5/2022	0.2	Call with Arli Christian re potential expert witnesses
Jon	Davidson	4/7/2022	0.1	Call with Akilah Deernose re potential expert witness
Jon	Davidson	4/8/2022	1	Co-counsel call re status update, discovery and expert witnesses
Jon	Davidson	4/8/2022	0.5	Email ACLU LGBTQ & HIV Project lawyers re potential expert witnesses
Jon	Davidson	4/11/2022	0.5	Call with potential expert witness and email Akilah Deernose re call
Jon	Davidson	4/12/2022	0.2	Draft emails to potential expert witnesses
Jon	Davidson	4/12/2022	0.2	Review email from Ayden Scheim and prior declaration from him and email co-counsel re him
Jon	Davidson	4/13/2022	0.1	Email Ayden Scheim
Jon	Davidson	4/18/2022	0.4	Read D.T. v. Christ decision and email co-counsel re it
Jon	Davidson	4/20/2022	0.2	Emails with Thomas Hecht and Akilah Deernose re Ayden Scheim and proof plan
Jon	Davidson	4/21/2022	0.5	Review decision granting preliminary injunction and denying motions to dismiss and email James Esseks re it
Jon	Davidson	4/21/2022	0.2	Emails with co-counsel re decision and meeting to discuss next steps
Jon	Davidson	4/21/2022	0.1	Email Thomas Hecht re Dr. Ayden Scheim

Jon	Davidson	4/21/2022	1	Review writings by Dr. Ayden Scheim and prepare for call with him
Jon	Davidson	4/22/2022	0.6	Compare court's findings of fact and conclusions of law to plaintiffs' proposed findings and research whether such findings bind later proceedings
Jon	Davidson	4/22/2022	1	Interview Dr. Ayden Scheim
Jon	Davidson	4/22/2022	1	Call with co-counsel and email with Malita Picasso re next steps
Jon	Davidson	5/2/2022	2	Draft declaration in support of pro hac vice motion; review Montana rules of civil procedure and professional conduct; review motion; email co-counsel (.7) and call with Akilah Deernose re motion and declaration in support (1.3)
Jon	Davidson	5/2/2022	0.2	Call with Taylor Brown re Dr. Loren Schechter
Jon	Davidson	5/3/2022	2	Emails with Dr. Loren Schechter, Dr. Ayden Scheim, and co-counsel re expert witness arrangements
Jon	Davidson	5/4/2022	1.3	Review and edit pro hac vice motion and declarations in support and email co-counsel
Jon	Davidson	5/5/2022	0.7	Interview Dr. Loren Schechter and email co-counsel regarding interview
Jon	Davidson	5/5/2022	0.1	Email Tara Borelli re Dr. Loren Schechter and obtaining prior declarations from and transcripts of depositions of him
Jon	Davidson	5/6/2022	0.1	Forward declarations of Dr. Loren Schechter and transcripts of depositions of him to-counsel; further email to Tara Borelli
Jon	Davidson	5/6/2022	1	Call with co-counsel re next steps
Jon	Davidson	5/6/2022	0.2	Review and edit revised motion and declarations in support of pro hac vice motion and email co-counsel re them
Jon	Davidson	5/6/2022	1.1	Draft Dr. Ayden Scheim expert engagement letter and email to him
Jon	Davidson	5/9/2022	0.3	Revise Dr. Ayden Scheim expert engagement letter and email Thomas Hecht re it
Jon	Davidson	5/9/2022	0.2	Review order granting pro hac vice and defendants' answer
Jon	Davidson	5/9/2022	0.2	Draft Dr. Loren Schechter expert engagement letter and email to him
Jon	Davidson	5/10/2022	0.4	Call with Dr. Loren Schechter re declaration from him
Jon	Davidson	5/10/2022	1	Draft shell declaration form for Dr. Loren Schechter

Jon	Davidson	5/10/2022	0.2	Emails with co-counsel re Dr. Loren Schechter declaration
Jon	Davidson	5/11/2022	0.3	Call with Malita Picasso re case developments
Jon	Davidson	5/12/2022	0.1	Email Dr. Loren Schechter
Jon	Davidson	5/12/2022	0.2	Email co-counsel re Arli Christian joining future team calls
Jon	Davidson	5/12/2022	0.1	Email potential expert witness
Jon	Davidson	5/13/2022	1	Call with co-counsel re next steps
Jon	Davidson	5/13/2022	0.2	Emails re potentially amending complaint again
Jon	Davidson	5/13/2022	0.1	Send executed expert engagement letters to co-counsel
Jon	Davidson	5/13/2022	0.4	Review and respond to emails re avoiding mootness
Jon	Davidson	5/16/2022	0.1	Email Arli Christian re potential additional expert
Jon	Davidson	5/16/2022	0.2	Draft expert engagement letter for Dr. Bruce Cochran and email to Akilah Deernose re it
Jon	Davidson	5/17/2022	0.1	Email Arli Christian re setting up calls with potential additional expert
Jon	Davidson	5/17/2022	0.2	Review Malita Picasso's comparison of amended complaint, answer, and defendants' proposed findings of fact and conclusions of law
Jon	Davidson	5/18/2022	0.1	Call with Dr. Ayden Schein
Jon	Davidson	5/18/2022	0.5	Draft shell for declaration of Dr. Ayden Schein and email it to him
Jon	Davidson	5/18/2022	0.4	Draft shell for declaration of Dr. Bryan Cochran and email it to Akilah Deernose
Jon	Davidson	5/18/2022	0.1	Review email from Arli Christian re statistical use of birth certificate information and respond
Jon	Davidson	5/20/2022	1.1	Research potential additional experts and email co-counsel re results of research
Jon	Davidson	5/20/2022	0.2	Review Jessica Clark New England Journal of Medicine article and email Arli Christian re vital statistics issues
Jon	Davidson	5/20/2022	0.4	Compile model class certification motions and email to co-counsel
Jon	Davidson	5/23/2022	0.2	Review Notice of Adoption of Temporary Emergency Rule re amended birth certificates and email co-counsel
Jon	Davidson	5/23/2022	0.8	Research preliminary injunction reverting to status quo and mandatory injunctions and email research results to co-counsel

Jon	Davidson	5/25/2022	0.1	Review Akilah Deernose trial scheduling form responses and email co-counsel re estimated trial length
Jon	Davidson	5/26/2022	0.1	Call from Dr. Loren Schechter re his declaration
Jon	Davidson	5/26/2022	0.3	Reformat Dr. Loren Schechter's declaration
Jon	Davidson	5/26/2022	0.1	Email co-counsel re scheduling conference
Jon	Davidson	5/26/2022	0.5	Call with Prof. Jessica Clarke re vital statistics
Jon	Davidson	5/26/2022	0.2	Attend scheduling conference remotely
Jon	Davidson	5/26/2022	0.1	Email co-counsel regarding potential additional expert witness
Jon	Davidson	5/31/2022	0.3	Review NAPHSIS vital statistics documents
Jon	Davidson	5/31/2022	0.6	Review draft declaration of Dr. Ayden Scheim and email Dr. Scheim
Jon	Davidson	5/31/2022	0.1	Email co-counsel draft declarations of Dr. Loren Schechter and Dr. Ayden Scheim
Jon	Davidson	5/31/2022	0.3	Zoom with Isabelle Heron of National Center for Health Statistics
Jon	Davidson	6/3/2022	0.1	Email Dr. Ayden Schein
Jon	Davidson	6/7/2022	0.1	Emails with Akilah Lane re Dr. Bryan Cochran
Jon	Davidson	6/8/2022	0.3	Review draft declaration of Dr. Bryan Cochran
Jon	Davidson	6/8/2022	0.6	Call with Dr. Bryan Cochran and Akilah Deernose
Jon	Davidson	6/9/2022	0.3	Review Dr. Loren Schechter's declaration and prepare for call with him
Jon	Davidson	6/9/2022	0.3	Call with Dr. Loren Schechter
Jon	Davidson	6/9/2022	1.1	Make non-substantive edits to declaration of Dr. Loren Schechter and indicate changes to be made to conform to phone consultation
Jon	Davidson	6/13/2022	0.5	Call with Dr. Ayden Scheim re his declaration and additional original research to be conducted
Jon	Davidson	6/14/2022	0.2	Review Dr. Bryan Cochran's edits to his declaration and email Akilah Deernose re finalization of the declaration
Jon	Davidson	6/14/2022	0.2	Emails with co-counsel re public hearing on administrative rule change
Jon	Davidson	6/15/2022	0.1	Emails with Akilah Deernose re Dr. Bryan Cochran declaration
Jon	Davidson	6/15/2022	0.5	Review revised declaration of Dr. Loren Schechter and accept changes, send to co-counsel, and email Dr. Schechter
Jon	Davidson	6/17/2022	1	Email co-counsel re response to new proposed regulation
Jon	Davidson	6/24/2022	0.1	Email co-counsel re response to proposed regulation

Jon	Davidson	6/24/2022	0.1	Review final version of declaration of Dr. Ayden Scheim and email him
Jon	Davidson	6/27/2022	0.1	Email Dr. Ayden Scheim re payment of invoice
Jon	Davidson	6/27/2022	0.1	Email Dr. Loren Schechter
Jon	Davidson	6/29/2022	0.2	Call with Dr. Loren Schechter re finalization of his declaration and arrange for payment of his invoice
Jon	Davidson	6/29/2022	0.1	Emails with Akilah Deernose re letter to Montana Department of Public Health and Human Services
Jon	Davidson	6/29/2022	0.3	Call with Dr. Bryan Cochran and Akilah Deernose re finalization of his declaration
Jon	Davidson	7/6/2022	0.1	Review revised declaration of Dr. Bryan Cochran and email Akilah Deernose
Jon	Davidson	7/8/2022	1	Call with co-counsel re second amended complaint, motion for leave to file, experts, motion for class certification, and motion for summary judgment plans
Jon	Davidson	7/8/2022	0.1	Email co-counsel re sex and gender
Jon	Davidson	7/9/2022	2.2	Review and edit draft second amended complaint
Jon	Davidson	7/11/2022	0.7	Review and begin editing motion for class certification
Jon	Davidson	7/12/2022	3.3	Further editing of motion for class certification and email co-counsel
Jon	Davidson	7/15/2022	0.1	Email Akilah Deernose re potential additional expert
Jon	Davidson	7/20/2022	0.3	Emails with Akilah Deernose re potential additional experts
Jon	Davidson	7/21/2022	0.1	Review edits to motion for class certification and edit further
Jon	Davidson	7/25/2022	0.1	Review further revised declaration of Dr. Bryan Cochran
Jon	Davidson	8/3/2022	0.6	Call with co-counsel re status of documents requiring drafting and editing related to class certification and amendment of complaint
Jon	Davidson	8/3/2022	0.2	Review motion for leave to file second amended complaint and order and email edits
Jon	Davidson	9/19/2022	0.1	Email co-counsel re revising amended complaint and finalizing motion for class certification
Jon	Davidson	9/20/2022	0.1	Email co-counsel re 8th version of WPATH Standards of Care
Jon	Davidson	9/21/2022	0.8	Call with Malita Picasso and email co-counsel re moving for summary judgment

Jon	Davidson	9/22/2022	0.7	Call with co-counsel re next steps
Jon	Davidson	9/23/2022	0.3	Review expert witness declarations re 8th version of WPATH Standards of Care and necessary amendments and email co-counsel
Jon	Davidson	9/23/2022	0.4	Research writ of supervisory control and email co-counsel
Jon	Davidson	9/27/2022	0.3	Review memo re constitutional avoidance and email co-counsel
Jon	Davidson	9/28/2022	0.7	Call with co-counsel re next steps
Jon	Davidson	9/29/2022	0.2	Review Montana Supreme Court order and email co-counsel re response
Jon	Davidson	10/3/2022	0.6	Call with co-counsel re summary response to motion for writ of supervisory control
Jon	Davidson	10/6/2022	0.5	Call with Dr. Loren Schechter re revision of declaration
Jon	Davidson	10/11/2022	1.3	Review and edit motion for leave to file amended complaint and second amended complaint
Jon	Davidson	10/12/2022	1.1	Review and edit summary response to motion for writ of supervisory control
Jon	Davidson	10/13/2022	0.1	Email co-counsel re: summary response to motion for writ of supervisory control
Jon	Davidson	10/16/2022	0.7	Review and edit revised summary response to motion for writ of supervisory control
Jon	Davidson	10/17/2022	0.1	Review and edit further revised summary response to motion for writ of supervisory control
Jon	Davidson	10/18/2022	0.2	Emails with Akilah Deernose re summary response to motion for writ of supervisory control
Jon	Davidson	10/21/2022	0.8	Review and edit revised motion for class certification and email co-counsel
Jon	Davidson	10/24/2022	0.3	Email co-counsel re motion for class certification and motion for leave to amend complaint
Jon	Davidson	10/25/2022	0.1	Emails with co-counsel re motion for leave to amend complaint
Jon	Davidson	10/25/2022	0.1	Review and edit revised motion for leave to amend complaint
Jon	Davidson	10/26/2022	1.2	Further edit second amended complaint, motion for leave to file, and motion for class certification and email co-counsel
Jon	Davidson	11/3/2022	0.1	Emails re provision of updated birth certificate to transgender individual
Jon	Davidson	11/7/2022	0.1	Emails re defendants' request for extension to respond to motions

Jon	Davidson	12/6/2022	0.8	Review and edit first discovery request to defendants and email co-counsel
Jon	Davidson	12/9/2022	0.1	Emails re grant of unopposed motion of time to respond to motions
Jon	Davidson	12/20/2023	0.5	Team call re: R60
Jon	Davidson	12/21/2022	0.2	Review revised discovery requests and email co-counsel
Jon	Davidson	1/2/2023	0.3	Review and edit reply brief in support of motion for leave to amend complaint
Jon	Davidson	1/3/2023	0.1	Email Akilah Deernose re edits to reply brief in support of motion for leave to amend complaint
Jon	Davidson	1/3/2023	0.1	Email Akilah Deernose re granting state extension to respond to discovery
Jon	Davidson	1/7/2023	0.6	Edit further revised reply brief in support of motion for leave to amend complaint and email co-counsel
Jon	Davidson	1/7/2023	0.1	Review Seth Horvath's edits to reply briefs
Jon	Davidson	1/10/2023	0.5	Review and analyze Montana Supreme Court writ of supervisory control order and emails with co-counsel regarding it
Jon	Davidson	1/10/2023	0.1	Review email from Akilah Deernose re DPHHS intent to enforce 2022 Rule and email team in response
Jon	Davidson	1/11/2023	0.6	Review email from Akilah Deernose and Notice of Supplemental Authority; research MAPA; email team about research
Jon	Davidson	1/12/2023	0.9	Call with co-counsel re responding to Supreme Court writ order and notice of supplemental authority
Jon	Davidson	1/13/2023	0.3	Review and edit statement re notice of supplemental authority
Jon	Davidson	1/13/2023	0.2	Emails with team regarding statement re notice of supplemental authority and moving to enforce preliminary injunction
Jon	Davidson	1/13/2023	0.1	Review final version of statement re notice of supplemental authority and email team further removing to enforce preliminary injunction
Jon	Davidson	1/22/2023	0.2	Analyze upcoming deadlines and email co-counsel re these and re experts
Jon	Davidson	1/27/2023	0.2	Emails with K.M. Bell re possible law enforcement expert and email co-counsel
Jon	Davidson	1/30/2023	0.1	Emails with K.M. Bell and Diane Goldstein re law enforcement expert
Jon	Davidson	1/30/2023	0.2	Email Loren Schechter about further updating his declaration

Jon	Davidson	1/30/2023	0.5	Emails re expert disclosure requirements and email Dr. Ayden Scheim re whether his declaration needs to be updated
Jon	Davidson	2/1/2023	0.1	Emails re status of expert declaration efforts
Jon	Davidson	2/6/2023	0.1	Email Dr. Loren Schechter re updating his expert declaration
Jon	Davidson	2/7/2023	0.2	Email Dr. Randi Ettner re updating her declaration
Jon	Davidson	2/7/2023	3.3	Make suggested edits to revise Dr. Ettner's expert declaration and email it to her
Jon	Davidson	2/8/2023	1	Email co-counsel re status of updating expert declarations
Jon	Davidson	2/8/2023	0.7	Revise Dr. Ettner and Dr. Schechter declarations; review edits to Scheim declaration; email Akilah Deernose re expert witness disclosure statement
Jon	Davidson	2/9/2023	1.1	Finalize declarations of Dr. Schechter, Dr. Scheim, and Dr. Ettner and send them to them for signature
Jon	Davidson	2/10/2023	0.1	Email Akilah Deernose Dr. Ettner and Dr. Schechter revised declarations, signature pages, CVs, and bibliographies
Jon	Davidson	2/10/2023	0.1	Email Akilah Deernose Dr. Scheim expert declaration, signature page, and CV
Jon	Davidson	2/13/2023	0.1	Research rebuttal expert deadline and email Akilah Deernose
Jon	Davidson	2/13/2023	0.2	Review and edit expert disclosures
Jon	Davidson	2/14/2023	0.2	Emails with Akilah Deernose re plaintiffs' expert disclosures and review and edit further revised version
Jon	Davidson	2/14/2023	0.1	Email Mariama Taifu-Seitu re potential rebuttal law enforcement expert
Jon	Davidson	2/21/2023	0.3	Review and email co-counsel re defendants' response to document requests
Jon	Davidson	2/22/2023	0.2	Zoom call with Akilah Deernose re defendants' discovery responses and upcoming case deadlines
Jon	Davidson	2/22/2023	0.3	Begin reviewing produced documents
Jon	Davidson	2/22/2023	0.3	Review and edit draft stipulated protective order
Jon	Davidson	2/27/2023	1	Call with co-counsel re depositions of clients and defendants' discovery responses
Jon	Davidson	3/1/2023	1	Emails with co-counsel re protective order, depositions, and discovery responses
Jon	Davidson	3/1/2023	0.6	Review defendants' document request responses again and draft list of deficiencies and email to co-counsel

Jon	Davidson	3/2/2023	0.2	Review orders denying motions for leave to amend complaint and for class certification and emails with team
Jon	Davidson	3/3/2023	1	Zoom call with co-counsel re case plans and discovery response deficiencies
Jon	Davidson	3/3/2023	0.2	Emails with Arli Christian and co-counsel re law enforcement experts
Jon	Davidson	3/9/2023	0.7	Call with co-counsel re defendants' production, depositions, and moving for summary judgment
Jon	Davidson	3/9/2023	0.1	Review email from Akilah Deernose re meeting with opposing counsel and respond
Jon	Davidson	3/10/2023	1	Review additionally produced documents and email co-counsel about them and depositions to take
Jon	Davidson	3/14/2023	2.3	Review and edit brief in support motion for summary judgment
Jon	Davidson	3/14/2023	4.2	Further edit brief in support of motion for summary judgment and email co-counsel
Jon	Davidson	3/15/2023	0.7	Call with co-counsel re summary judgment motion, discovery, and status conference
Jon	Davidson	3/16/2023	0.1	Emails with co-counsel re final edits to summary judgment motion
Jon	Davidson	3/20/2023	0.1	Email co-counsel re summary judgment brief filing
Jon	Davidson	3/21/2023	0.1	Review experts witness disclosures and emails with co-counsel
Jon	Davidson	3/22/2023	0.5	Attend scheduling conference with Judge Moses' clerk (.3) and call with co-counsel re scheduling and expert issues (.2)
Jon	Davidson	3/27/2023	0.1	Review email from Alex Rate re call with Thane Johnson and respond
Jon	Davidson	3/28/2023	0.2	Review emails re motions to vacate scheduling order and have all motions heard June 1 and edit
Jon	Davidson	3/29/2023	0.1	Review emails re court orders and email co-counsel
Jon	Davidson	4/12/2023	0.75	Call with co-counsel re reply to response to summary judgment motion and outstanding discovery
Jon	Davidson	4/19/2023	0.1	Email with Malita Picasso re summary judgment argument; email team re reviewing summary judgment reply
Jon	Davidson	4/19/2023	0.8	Edit summary judgment reply
Jon	Davidson	4/20/2023	0.1	Review revised summary judgment reply and email co-counsel

Jon	Davidson	4/21/2023	0.1	Review further revised summary judgment reply and email co-counsel
Jon	Davidson	4/26/2023	0.1	Email co-counsel re MSJ moots
Jon	Davidson	5/8/2023	0.3	Call with Malita Picasso re summary judgment oral argument
Jon	Davidson	6/12/2023	0.1	Email co-counsel re fees issue
Jon	Davidson	6/27/2023	0.3	Email co-counsel re Tennessee birth control decision and next steps
Jon	Davidson	6/28/2023	0.6	Meeting with co-counsel re fees issues
Jon	Davidson	7/11/2023	0.1	Email expert witnesses re conclusion of case
Jon	Davidson	7/19/2023	0.5	Call with co-counsel re fees and related issues
Jon	Davidson	7/20/2023	0.1	Emails with co-counsel re newly assigned judge
Jon	Davidson	7/31/2023	0.1	Emails with co-counsel re clients getting new birth certificates
Jon	Davidson	8/2/2023	0.5	Call with co-counsel re next steps
Jon	Davidson	8/2/2023	0.3	Call with Malita Picasso re staffing of case
Jon	Davidson	8/2/2023	0.3	Research re related case rules
Jon	Davidson	8/7/2023	0.1	Review brief in support of objection to claim for attorneys' fees and emails with co-counsel regarding the objection
Jon	Davidson	8/8/2023	0.3	Further research re related case rules and email co-counsel
Jon	Davidson	8/11/2023	0.1	Review draft stipulation to stay briefing of attorneys' fees
Jon	Davidson	8/14/2023	0.1	Review stipulation and proposed order and email co-counsel
Jon	Davidson	8/15/2023	0.1	Review email from Judge Davies' assistant, email co-counsel, and review proposed response
Jon	Davidson	8/16/2023	0.1	Review email from co-counsel re segregation of attorneys' fees claims
Jon	Davidson	8/16/2023	0.5	Team call
Jon	Davidson	8/23/2023	0.6	Review defendants' motion for reconsideration and emails with co-counsel regarding it
Jon	Davidson	9/5/2023	0.2	Review drafts of sections of opposition to motion for reconsideration and emails with co-counsel
Jon	Davidson	9/6/2023	0.5	Review transcript of contempt hearing argument and email co-counsel re opposition to motion for reconsideration
Jon	Davidson	9/11/2023	5.2	Research and draft section of opposition to Defendants' Rule 60 motion
Jon	Davidson	9/12/2023	2.3	Continue to research and draft section of opposition to Defendants' Rule 60 motion

Jon	Davidson	9/13/2023	0.5	Call with co-counsel re opposition to Defendants' Rule 60 motion
Jon	Davidson	9/14/2023	0.1	Emails re cite-checking of brief
Jon	Davidson	9/15/2023	0.1	Further email re cite-checking of brief
Jon	Davidson	9/18/2023	3.8	Edit revised opposition to Rule 60 motion and email co-counsel
Jon	Davidson	9/20/2023	1.1	Finalize opposition to Rule 60 motion and email co-counsel
Jon	Davidson	9/27/2023	0.3	Call with co-counsel re next steps in the litigation
Jon	Davidson	10/3/2023	0.1	Emails with co-counsel re opposition counsel's request for extension of reply brief deadline and Rule 60(b) ruling deadline
Jon	Davidson	10/22/2023	0.3	Review reply to opposition to Rule 60 motion
Jon	Davidson	12/11/2023	0.1	Emails with co-counsel re second notice of submittal
Jon	Davidson	12/20/2023	0.4	Call with co-counsel re next steps after ruling on Rule 60 motion
Jon	Davidson	1/3/2024	0.3	Call with co-counsel re next steps
Jon	Davidson	1/16/2024	0.8	Research appealability of Rule 60(b) motion and fee awards rulings
Jon	Davidson	1/17/2024	0.3	Call with co-counsel re appeal of denial of Rule 60(B) motion and possible violation of permanent injunction
Jon	Davidson	1/25/2024	0.1	Review Rule 54(b) and stay motion draft and email co-counsel
Jon	Davidson	1/26/2024	0.1	Review revised stipulation re Rule 54(b) motion and stay of attorneys' fees determination and email Alex Rate
Jon	Davidson	2/1/2024	0.1	Draft proposed letter to opposing counsel re Department of Vital Statistics requiring court order and holding birth certificate sex marker change requests
Jon	Davidson	2/6/2024	0.1	Review and edit proposed stipulation and order staying attorneys' fees motion and email co-counsel
Jon	Davidson	2/14/2024	0.1	Email co-counsel re stipulation for stay and Rule 54(b) motion
Jon	Davidson	2/23/2024	0.1	Email co-counsel re filing brief in response to Rule 54(b) motion
Jon	Davidson	2/27/2024	3.4	Draft response to defendants' Rule 54(b) motion and email co-counsel
Jon	Davidson	2/28/2024	1	Call with co-counsel re response to Rule 54(b) motion
Jon	Davidson	3/22/2024	0.1	Review order granting stipulated Rule 54(b) motion

Jon	Davidson	5/29/2024	0.1	Review Rule 4(b) of Montana Rules of App. Proc. And email co-counsel
Jon	Davidson	6/14/2024	0.2	Emails with co-counsel re defendants' appeal
TOTAL =		x550	137.25	\$75,487.50
KRYSTEL PICKENS				
Krystal	Pickens	4/15/2021	0.1	Process correspondence from potential plaintiff
Krystal	Pickens	4/20/2021	0.1	Correspond with potential plaintiff
Krystal	Pickens	4/29/2021	0.1	Correspond with internal team re: plaintiff outreach
Krystal	Pickens	5/6/2021	1.5	Draft initial filing docs and phv docs
Krystal	Pickens	5/11/2021	0.4	Correspond with Amanda and Chris re: PHV
Krystal	Pickens	5/14/2021	0.1	Correspond with potential plaintiff
Krystal	Pickens	5/14/2021	0.2	Correspond with Amanda and Chris re: PHV
Krystal	Pickens	5/14/2021	0.1	Correspond with potential plaintiff
Krystal	Pickens	5/14/2021	0.1	Correspond with potential plaintiff
Krystal	Pickens	5/17/2021	0.1	Correspond with potential plaintiff
Krystal	Pickens	5/17/2021	0.5	Potential Plaintiff call
Krystal	Pickens	5/20/2021	0.2	Correspond with potential plaintiff
Krystal	Pickens	6/2/2021	0.1	Correspond re: client retainer agreement
Krystal	Pickens	6/12/2021	0.3	Draft client retainer agreement
Krystal	Pickens	6/14/2021	0.1	Correspond with Amanda and Chris re: PHV
Krystal	Pickens	6/15/2021	0.1	Correspond with Amanda - NP regarding PHV
Krystal	Pickens	6/22/2021	1.5	Team call
Krystal	Pickens	6/29/2021	0.2	Review and circulate retainer agreement
Krystal	Pickens	7/1/2021	0.2	Review and circulate initial filing docs and outline of steps
Krystal	Pickens	7/12/2021	0.2	Incorporate edits into retainer agreements
Krystal	Pickens	7/13/2021	0.1	Circulate pleadings drafts to the team
Krystal	Pickens	7/15/2021	0.1	Finalize the summonses
Krystal	Pickens	7/16/2021	0.5	Spoke with clerk and filed complaint and initial pleadings
Krystal	Pickens	7/19/2021	0.5	Spoke with clerk and process PI material
Krystal	Pickens	7/21/2021	0.2	File Motion for over length brief
Krystal	Pickens	7/23/2021	0.2	File BIS of PI
Krystal	Pickens	7/28/2021	1.25	Prepare and drop off documents to the process server
Krystal	Pickens	7/28/2021	0.1	Correspond with support staff about pleadings
Krystal	Pickens	7/30/2021	0.5	Review and file PO
Krystal	Pickens	8/10/2021	0.75	Review and file NOF
Krystal	Pickens	8/17/2021	0.2	Save and organize pleadings file
Krystal	Pickens	8/26/2021	0.1	Save and organize pleadings file
Krystal	Pickens	8/26/2021	0.2	File Motion for extension of time
Krystal	Pickens	9/20/2021	0.5	Team meeting
Krystal	Pickens	9/23/2021	0.2	Save and organize pleadings file

Krystal	Pickens	10/1/2021	0.1	Save and organize pleadings file
Krystal	Pickens	10/15/2021	0.1	Save and organize pleadings file
Krystal	Pickens	10/28/2021	0.1	Save and organize pleadings file
Krystal	Pickens	11/2/2021	0.1	Save and organize pleadings file
Krystal	Pickens	11/3/2021	0.1	Save and organize pleadings file
Krystal	Pickens	11/10/2021	0.6	Team meeting
Krystal	Pickens	12/3/2021	0.5	Finalize and filing Motion and supporting docs.
Krystal	Pickens	12/14/2021	0.1	Save and organize pleadings file
Krystal	Pickens	12/22/2021	1.2	PI hearing
Krystal	Pickens	1/5/2022	0.4	Team call to debrief PI hearing and next steps
Krystal	Pickens	1/28/2022	0.2	Save and organize pleadings file
Krystal	Pickens	2/1/2022	0.1	Save and organize pleadings file
Krystal	Pickens	2/4/2022	0.1	Save and organize pleadings file
Krystal	Pickens	2/11/2022	0.1	Save and organize pleadings file
Krystal	Pickens	2/18/2022	0.1	Save and organize pleadings file
Krystal	Pickens	2/23/2022	0.1	Save and organize pleadings file
Krystal	Pickens	3/4/2022	0.2	Save and organize pleadings file
Krystal	Pickens	3/11/2022	0.5	Team call
Krystal	Pickens	3/29/2022	0.2	Pull and review Davidson PHV
Krystal	Pickens	4/8/2022	1	Team call - status, discovery and expert wits.
Krystal	Pickens	4/11/2022	0.5	Call with potential witness
Krystal	Pickens	4/12/2022	1.20	Team call with Nick Domitrovich
Krystal	Pickens	4/21/2022	0.1	Save and organize pleadings file
Krystal	Pickens	4/25/2022	0.5	Draft and circulate PHV motion and docs
Krystal	Pickens	4/26/2022	0.5	review and edit PHV material
Krystal	Pickens	5/3/2022	0.1	Email NP regarding PHV
Krystal	Pickens	5/4/2022	0.3	Edit PHV motion and supporting docs
Krystal	Pickens	5/6/2022	0.3	Edit PHV motion and supporting docs
Krystal	Pickens	5/6/2022	1	Team call re: discovery
Krystal	Pickens	5/9/2022	0.2	Finalize and filing Motion and supporting docs.
Krystal	Pickens	5/9/2022	0.3	Save and organize pleadings file
Krystal	Pickens	6/7/2022	1.2	Review, edit, and file Motion to Clarify
Krystal	Pickens	6/21/2022	0.1	Save and organize pleadings file
Krystal	Pickens	6/21/2022	0.1	Process, circulate Ds' resp to Motion to clarify
Krystal	Pickens	6/28/2022	0.5	Team call
Krystal	Pickens	6/30/2022	2.75	Emergency rule hearing
Krystal	Pickens	7/6/2022	0.1	Save Ps' reply brief MtC
Krystal	Pickens	7/8/2022	0.5	File and circulate Notice of Sub.
Krystal	Pickens	7/8/2022	0.7	Draft, file Notice of Submittal
Krystal	Pickens	9/7/2022	0.1	Request and circulate hearing information
Krystal	Pickens	9/7/2022	0.5	Research and book lodging for hearing
Krystal	Pickens	9/15/2022	1.2	Hearing - mot. to clarify
Krystal	Pickens	9/15/2022	0.1	Circulate hearing debrief info.

Krystal	Pickens	9/22/2022	0.7	Team meeting - amend. Com.
Krystal	Pickens	9/28/2022	0.7	Team meeting - writ
Krystal	Pickens	9/29/2022	0.1	Calendar deadlines
Krystal	Pickens	10/16/2022	0.6	Draft and review append.
Krystal	Pickens	10/16/2022	0.5	Pull append.
Krystal	Pickens	10/16/2022	0.5	Review motions and provide edits
Krystal	Pickens	10/17/2022	1.7	Cite check and start finalizing
Krystal	Pickens	10/26/2022	3.25	Review drafts and cite check
Krystal	Pickens	10/28/2022	0.7	Review, finalize and file pleadings
Krystal	Pickens	11/10/2022	0.1	Calendar deadlines
Krystal	Pickens	11/14/2022	0.6	Draft Notice of change of contact info
Krystal	Pickens	11/21/2022	0.1	Update team meeting info and calendar deadlines
Krystal	Pickens	11/21/2022	0.3	File Notice of Contact
Krystal	Pickens	12/5/2022	0.2	Process Ds pleadings and circulate to team
Krystal	Pickens	12/7/2022	0.6	Team meeting
Krystal	Pickens	12/15/2022	0.8	Draft and file Mot. of Ext.
Krystal	Pickens	12/19/2022	0.1	Reach out to court regarding filing
Krystal	Pickens	12/19/2022	0.2	Process Order and update calendar deadline. Circulate to team
Krystal	Pickens	12/20/2022	0.1	Update calendar deadlines
Krystal	Pickens	1/23/2023	0.6	Assist co-counsel with access to docket
Krystal	Pickens	1/26/2023	0.1	Update calendar deadlines
Krystal	Pickens	1/31/2023	0.1	Email court
Krystal	Pickens	2/6/2023	1.7	Prepare for discovery responses and draft deadline/ discovery spreadsheet
Krystal	Pickens	2/14/2023	1	Review, finalize and file pleadings
Krystal	Pickens	3/2/2023	0.2	Save and organize pleadings file
Krystal	Pickens	3/8/2023	0.2	Save and organize pleadings file; calendar deadlines
Krystal	Pickens	3/20/2023	1	Review and prepare pleadings for filing
Krystal	Pickens	3/28/2023	0.4	Save and organize pleadings
Krystal	Pickens	3/29/2023	0.3	Save and organize pleadings; update calendar deadlines
Krystal	Pickens	4/24/2023	1.2	Review, finalize and file pleadings
Krystal	Pickens	6/26/2023	0.1	Process Order
Krystal	Pickens	6/28/2023	0.1	Update calendar deadlines
Krystal	Pickens	7/6/2023	0.1	Email co-counsel paralegals regarding case costs
Krystal	Pickens	7/11/2023	0.1	Process Notice of Assumption
Krystal	Pickens	7/20/2023	0.2	Process pleadings
Krystal	Pickens	7/21/2023	0.1	Process Notice
Krystal	Pickens	7/24/2023	0.1	Process pleadings
Krystal	Pickens	7/25/2023	0.25	Process pleading and update calendar deadlines
Krystal	Pickens	7/26/2023	0.1	Process pleading
Krystal	Pickens	7/27/2023	0.2	Process pleadings

Krystal	Pickens	8/7/2023	0.2	Process pleadings
Krystal	Pickens	8/9/2023	0.1	Update calendar deadlines
Krystal	Pickens	8/14/2023	0.6	Draft stip PO
Krystal	Pickens	8/16/2023	0.5	Team call
Krystal	Pickens	8/16/2023	0.2	E-file pleadings
Krystal	Pickens	8/16/2023	0.1	Save pleadings and email team
Krystal	Pickens	8/18/2023	0.1	Process Order
Krystal	Pickens	8/25/2023	0.5	Process and review pleadings
Krystal	Pickens	8/30/2023	0.5	Team call to debrief PI hearing and next steps
Krystal	Pickens	9/5/2023	0.1	Update calendar deadlines
Krystal	Pickens	9/7/2023	0.1	Review email from co-counsel
Krystal	Pickens	9/13/2023	0.5	Team check -in
Krystal	Pickens	9/22/2023	0.6	Organize and file pleading. Organize case file
Krystal	Pickens	9/27/2023	0.2	Mail pleading to the court and confirm via email
Krystal	Pickens	10/6/2023	0.3	Process pleadings from 5th and 6th
Krystal	Pickens	10/16/2023	0.4	Draft NOA
Krystal	Pickens	10/19/2023	0.2	File NOA
Krystal	Pickens	10/19/2023	0.1	Process Orders that were issued 10/18/23
Krystal	Pickens	10/23/2023	0.1	Process pleading
Krystal	Pickens	10/24/2023	0.1	Process pleading
Krystal	Pickens	12/7/2023	0.1	Email T. Hecht
Krystal	Pickens	12/12/2023	0.1	Process pleading
Krystal	Pickens	12/14/2023	0.1	Voicemail re: birth certificate request
Krystal	Pickens	12/20/2023	0.5	Team call
Krystal	Pickens	1/31/2024	0.3	Send and review email correspondence regarding denial of BCs
Krystal	Pickens	2/1/2024	1.2	Call re: BCs
Krystal	Pickens	2/6/2024	0.1	Process pleadings
Krystal	Pickens	2/23/2024	0.2	Process pleadings
Krystal	Pickens	2/28/2024	0.6	File Pleading (.5). Organize and update calendar deadline (.1)
Krystal	Pickens	3/11/2024	0.1	Process pleading
Krystal	Pickens	3/22/2024	0.1	Process pleading and update calendar
Krystal	Pickens	5/20/2024	0.1	Process pleading
Krystal	Pickens	5/29/2024	0.1	Process pleading
Krystal	Pickens	7/8/2024	2.6	Organize and format material for fee petition
TOTAL =		x125	62.05	\$7,756.25
MALITA PICASSO				
Malita	Picasso	1/28/2022	1.20	Marquez: PHV application
Malita	Picasso	1/28/2022	2.40	Marquez: PHV application
Malita	Picasso	1/31/2022	0.80	Marquez: MTD Briefing
Malita	Picasso	1/31/2022	0.10	Marquez: MTD Briefing
Malita	Picasso	1/31/2022	2.00	Marquez: MTD Briefing
Malita	Picasso	1/31/2022	2.50	Marquez: MTD Briefing

Malita	Picasso	2/1/2022	0.50	Marquez: Team Meeting
Malita	Picasso	3/3/2022	2.20	Marquez: Cite Checking Findings of Fact and Conclusions of Law
Malita	Picasso	3/3/2022	4.00	Marquez: Cite Checking Findings of Fact and Conclusions of Law
Malita	Picasso	3/14/2022	0.70	Marquez: Expert Search
Malita	Picasso	3/24/2022	1.00	Marquez: Team Meeting
Malita	Picasso	3/24/2022	0.7	Call with Akilah re: experts, clients, and witnesses
Malita	Picasso	4/8/2022	1.00	Marquez: Litigation Team Meeting
Malita	Picasso	4/11/2022	0.50	Marquez: Meeting with Hogan
Malita	Picasso	4/12/2022	1.20	Marquez: Meeting with Nick
Malita	Picasso	4/13/2022	1.00	Marquez: meeting with Plaintiff
Malita	Picasso	4/14/2022	0.60	Marquez: Emailing Sandy
Malita	Picasso	4/26/2022	1.50	Team call re: next steps
Malita	Picasso	5/11/2022	0.3	Call with JD re status update
Malita	Picasso	5/13/2022	2.70	Marquez: Briefing
Malita	Picasso	5/17/2022	2.00	Marquez: Briefing
Malita	Picasso	5/17/2022	0.70	Marquez: Briefing
Malita	Picasso	5/23/2022	1.50	Marquez: Motion for Class Certification
Malita	Picasso	5/23/2022	1.00	Marquez: Motion for Class Certification
Malita	Picasso	5/23/2022	2.20	Marquez: Motion for Class Certification
Malita	Picasso	5/24/2022	2.60	Marquez: Motion for Class Certification
Malita	Picasso	5/24/2022	0.10	Marquez: Motion for Class Certification
Malita	Picasso	5/25/2022	2	Motion to Clarify
Malita	Picasso	5/25/2022	3.4	Motion to Clarify
Malita	Picasso	5/26/2022	0.60	Marquez: Expert Search
Malita	Picasso	5/26/2022	1.4	Motion to Clarify
Malita	Picasso	5/31/2022	0.60	Marquez: Expert Search
Malita	Picasso	5/31/2022	1	Call with Tom and Akilah regarding MfC
Malita	Picasso	5/31/2022	0.4	Motion to Clarify
Malita	Picasso	5/31/2022	0.2	Motion to Clarify
Malita	Picasso	5/31/2022	0.2	Motion to Clarify
Malita	Picasso	6/1/2022	0.25	Motion to Clarify
Malita	Picasso	6/14/2022	1.40	Marquez: Proposed Rule Testimony
Malita	Picasso	6/16/2022	4.00	Marquez: Schechter Declaration
Malita	Picasso	6/17/2022	1.30	Marquez: Reviewing Expert Declarations
Malita	Picasso	6/17/2022	0.20	Marquez: Reviewing Expert Declarations
Malita	Picasso	6/21/2022	0.75	Marquez: Proposed Rule Hearing Prep.
Malita	Picasso	6/22/2022	2.30	Marquez: Class Cert Brief
Malita	Picasso	6/23/2022	0.20	Marquez: Drafting Written Comment to Proposed Rule
Malita	Picasso	6/29/2022	0.6	Motion to Clarify - Reply Brief
Malita	Picasso	7/1/2022	3.1	Motion to Clarify - Reply Brief
Malita	Picasso	7/8/2022	0.10	Marquez: Expert Exclusion Research
Malita	Picasso	7/10/2022	0.90	Marquez: Second Amended Complaint
Malita	Picasso	7/10/2022	0.20	Marquez: Second Amended Complaint

Malita	Picasso	7/10/2022	1.30	Marquez: Second Amended Complaint
Malita	Picasso	7/12/2022	0.90	Marquez: Law Enforcement Expert Meeting
Malita	Picasso	7/21/2022	0.60	Marquez: Class Certification
Malita	Picasso	7/21/2022	0.50	Marquez: Class Certification
Malita	Picasso	8/4/2022	0.8	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/4/2022	1	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/6/2022	0.5	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/15/2022	5.5	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/15/2022	0.25	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/16/2022	2.3	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/16/2022	2	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/16/2022	1.3	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/16/2022	1.2	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/24/2022	4.4	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/26/2022	0.2	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/26/2022	1.2	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/26/2022	0.6	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/29/2022	4.8	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/29/2022	2.8	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/30/2022	3	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/31/2022	1.00	Oral Argument Moot
Malita	Picasso	8/31/2022	4.5	Motion to Clarify - Oral Argument Prep
Malita	Picasso	8/31/2022	1.3	Mtn to Clarify Moot
Malita	Picasso	9/4/2022	4	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/6/2022	3	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/7/2022	3	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/8/2022	2	Motion to Clarify - Oral Argument Moot
Malita	Picasso	9/8/2022	1.7	Moot for Mtn to Clarify Hearing and meeting
Malita	Picasso	9/9/2022	1	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/10/2022	1	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/12/2022	1.5	Motion to Clarify - Oral Argument Moot
Malita	Picasso	9/14/2022	2	Motion to Clarify - Oral Argument Prep
Malita	Picasso	9/15/2022	3	Motion to Clarify - Proposed Order
Malita	Picasso	9/15/2022	1	Motion to Clarify - Hearing Debrief Proposed Order
Malita	Picasso	9/17/2022	1.8	Motion to Clarify - Proposed Order
Malita	Picasso	9/19/2022	1.1	Motion to Enforce
Malita	Picasso	9/23/2022	1.00	Marquez: 2nd Amended Complaint
Malita	Picasso	10/3/2022	3.50	Marquez: 2nd Amended Complaint
Malita	Picasso	10/3/2022	0.2	Call with Akilah to discuss 2 AC
Malita	Picasso	10/24/2022	0.10	Marquez: Class Certification
Malita	Picasso	10/24/2022	0.70	Marquez: Class Certification
Malita	Picasso	11/30/2022	1.00	Marquez: Discovery Requests
Malita	Picasso	12/5/2022	1.10	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/7/2022	0.60	Marquez: Team Meeting

Malita	Picasso	12/8/2022	1.60	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/9/2022	2.50	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/16/2022	1.50	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/16/2022	0.10	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/17/2022	2.00	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/17/2022	0.60	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/17/2022	0.90	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/21/2022	1.40	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/21/2022	0.10	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/21/2022	0.40	Marquez: litigation Meeting
Malita	Picasso	12/21/2022	2.10	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/21/2022	1.00	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/21/2022	0.10	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/22/2022	0.50	Marquez: Reply to Motion for Class Certification
Malita	Picasso	12/22/2022	0.75	Marquez: Reply to Motion for Class Certification
Malita	Picasso	1/2/2023	0.10	Marquez: Reply Brief 2nd Am. Compl
Malita	Picasso	1/2/2023	0.50	Marquez: Reply Brief 2nd Am. Compl
Malita	Picasso	1/2/2023	3.30	Marquez: Reply Brief 2nd Am. Compl
Malita	Picasso	1/4/2023	0.50	Marquez: Strategy Call
Malita	Picasso	1/10/2023	1.50	Marquez: Writ of Supervisory Control
Malita	Picasso	1/12/2023	0.10	Marquez: Writ of Supervisory Control
Malita	Picasso	1/12/2023	1.10	Marquez: Writ of Supervisory Control
Malita	Picasso	1/12/2023	1.70	Marquez: Writ of Supervisory Control
Malita	Picasso	1/12/2023	0.90	Marquez: Writ of Supervisory Control
Malita	Picasso	2/27/2023	1.00	Marquez: Discovery Discussion
Malita	Picasso	3/1/2023	1.00	Discovery: Deficiency Letter
Malita	Picasso	3/3/2023	1.00	Strategy Meeting re next steps and discovery
Malita	Picasso	3/9/2023	0.70	Team Meeting
Malita	Picasso	3/9/2023	1.10	Research: Motion for Summary Judgement
Malita	Picasso	3/10/2023	0.30	Discovery
Malita	Picasso	3/10/2023	0.20	Discovery
Malita	Picasso	3/10/2023	0.10	discovery
Malita	Picasso	3/10/2023	0.10	Discovery

Malita	Picasso	3/10/2023	0.90	Research: Motion for Summary Judgement
Malita	Picasso	3/10/2023	0.10	Research: Motion for Summary Judgement
Malita	Picasso	3/10/2023	0.30	Research: Motion for Summary Judgement
Malita	Picasso	3/11/2023	2.20	Research: Motion for Summary Judgement
Malita	Picasso	3/11/2023	1.20	Research: Motion for Summary Judgement
Malita	Picasso	3/13/2023	6.10	Research: Motion for Summary Judgement
Malita	Picasso	3/15/2023	0.70	Team Meeting
Malita	Picasso	3/22/2023	0.30	Status Conference
Malita	Picasso	4/12/2023	0.75	Team Meeting
Malita	Picasso	4/13/2023	0.60	MSJ Reply Brief
Malita	Picasso	4/13/2023	0.30	MSJ Reply Brief
Malita	Picasso	4/16/2023	2.70	MSJ Reply Brief
Malita	Picasso	4/17/2023	1.40	MSJ Reply Brief
Malita	Picasso	5/1/2023	1.30	MSJ Oral Argument Prep
Malita	Picasso	5/1/2023	2.60	MSJ Oral Argument Prep
Malita	Picasso	5/16/2023	3.70	MSJ Oral Argument
Malita	Picasso	5/24/2023	2.00	MSJ Oral Argument
Malita	Picasso	5/24/2023	3.00	MSJ Oral Argument
Malita	Picasso	5/26/2023	1.50	MSJ Oral Argument prep
Malita	Picasso	5/31/2023	1.00	MSJ Hearing Prep
TOTAL =		x350	201.75	\$70,612.50

SETH HORVATH

Seth	Horvath	6/15/2021	1.50	Telephone conference with A. Rate, A. Lane, J. Knight, and T. Hecht regarding litigation strategy. Telephone conference with A. Rate, A. Lane, J. Knight, T. Hecht, and A. Marquez regarding factual background of A. Marquez's gender transition.
Seth	Horvath	6/16/2021	1.00	Analyze co-counsel and client engagement letters. Draft proposed language to add to co-counsel engagement letter.
Seth	Horvath	6/22/2021	1.50	Telephone conference with A. Lane, A. Rate, T. Hecht, J. Knight, K. Pickens, and M. Welch to discuss litigation strategy.
Seth	Horvath	6/25/2021	6.80	Begin drafting memorandum in support of motion for preliminary injunction. Draft correspondence to A. Lane regarding same.
Seth	Horvath	6/28/2021	0.50	Teleconference with A. Lane regarding preparation of brief in support of motion for preliminary injunction.
Seth	Horvath	7/1/2021	10.10	Finish drafting equal-protection and due-process arguments for preliminary-injunction brief.

Seth	Horvath	7/2/2021	3.00	Telephone conference with A. Lane regarding preliminary-injunction brief. Revise equal-protection and due-process arguments for preliminary-injunction brief. Review full first draft of preliminary-injunction brief.
Seth	Horvath	7/7/2021	0.60	Telephone conference with A. Lane, M. Welch, J. Knight, A. Rate, and T. Hecht regarding motion for preliminary injunction.
Seth	Horvath	7/11/2021	2.00	Revise brief in support of motion for preliminary injunction in preparation for filing same.
Seth	Horvath	7/12/2021	10.00	Analyze authorities addressing constitutional challenges to restrictions on alterations to identity documents in connection with revising brief in support of motion for preliminary injunction. Revise brief in support of motion for preliminary injunction. Draft correspondence to litigation team transmitting same.
Seth	Horvath	7/14/2021	3.20	Revise complaint in preparation for filing same. (2.9) Telephone conference with A. Lane, J. Knight, T. Hecht, and A. Rate regarding revisions to complaint and motion for preliminary injunction (.3).
Seth	Horvath	7/15/2021	2.30	Revise complaint in preparation for filing same. Revise brief in support of motion for preliminary injunction in preparation for filing same (1.8). Telephone conference with A. Lane, J. Knight, T. Hecht, A. Rate, and M. Welch regarding revisions to complaint and motion for preliminary injunction (.5).
Seth	Horvath	7/16/2021	7.20	Analyze legislative history for SB 280 in connection with revising brief in support of motion for preliminary injunction. Revise brief in support of motion for preliminary injunction in preparation for filing same.
Seth	Horvath	7/17/2021	0.70	Revise brief in support of motion for preliminary injunction in preparation for filing same.
Seth	Horvath	7/28/2021	1.00	Revise motion for leave to proceed pseudonymously in preparation for filing same.
Seth	Horvath	8/23/2021	0.50	Telephone conference with litigation team regarding next steps in drafting reply in support of motion for preliminary injunction and response to motion to dismiss.

Seth	Horvath	8/24/2021	0.20	Analyze response to motion for preliminary injunction to identify issues to address in reply brief.
Seth	Horvath	8/31/2021	1.80	Revise outline for reply in support of motion for preliminary injunction. (1.2) Telephone conference with A. Lane, A. Rate, T. Hecht, and J. Knight regarding reply in support of motion for preliminary injunction. (.6)
Seth	Horvath	9/13/2021	0.20	Telephone conference with T. Hecht regarding reply in support of motion for preliminary injunction.
Seth	Horvath	9/19/2021	8.10	Begin drafting reply in support of motion for preliminary injunction.
Seth	Horvath	9/20/2021	13.80	Finish first draft of reply in support of motion for preliminary injunction (13.3); teleconference with J. Knight, T. Hecht, A. Lane, K. Pickens, and A. Rate regarding next steps in finalizing reply in support of motion for preliminary injunction (.5)
Seth	Horvath	9/21/2021	3.80	Revise first draft of reply in support of motion for preliminary injunction in preparation for circulating same for review.
Seth	Horvath	9/22/2021	10.10	Finish drafting equal-protection section of reply in support of motion for preliminary injunction. Begin revising response to motion to dismiss.
Seth	Horvath	9/23/2021	3.80	Finish revising reply in support of motion for preliminary injunction in preparation for filing same. Finish revising response to motion to dismiss in preparation for filing same.
Seth	Horvath	9/30/2021	0.30	Finalize pro hac vice applications for S. Horvath, T. Hecht, and T. Solis.
Seth	Horvath	11/10/2021	0.60	Telephone conference with T. Hecht, J. Knight, A. Rate, A. Lane, and K. Pickens regarding next steps in litigation.
Seth	Horvath	11/11/2021	0.50	Telephone conference with T. Hecht regarding issues to address in amended complaint and motion for leave to file amended complaint.
Seth	Horvath	11/16/2021	0.20	Draft correspondence to A. Lane regarding strategy for pursuing motion to amend complaint based on Montana Human Rights Bureau's ruling.
Seth	Horvath	11/22/2021	0.30	Draft amended complaint. Begin drafting motion for leave to file amended complaint.

Seth	Horvath	11/23/2021	4.50	Draft amended complaint. Draft motion for leave to file amended complaint. Draft correspondence to T. Hecht regarding same.
Seth	Horvath	12/10/2021	1.50	Telephone conference (moot) with A. Lane, A. Rate, T. Hecht, and J. Knight regarding arguments to address at hearing on motion for preliminary injunction and motion to dismiss.
Seth	Horvath	12/15/2021	1.50	Videoconference (moot) with T. Hecht, A. Lane, A. Rate, and J. Knight to discuss issues to address at hearing on motion for preliminary injunction.
Seth	Horvath	12/18/2021	0.50	Draft correspondence to A. Rate, A. Lane, J. Knight, and T. Hecht regarding State's objection to motion for leave to file Amended Complaint.
Seth	Horvath	12/20/2021	1.50	Participate in Zoom conference with A. Lane, T. Hecht, A. Rate, and J. Knight in preparation for hearing on motion for preliminary injunction.
Seth	Horvath	12/22/2021	1.50	Participate in hearing on motion for preliminary injunction and motion to dismiss (1.2). Telephone conference with T. Hecht regarding same (.3).
Seth	Horvath	1/5/2022	2.80	Videoconference with T. Hecht, A. Lane, A. Rate, K. Pickens, and J. Knight regarding proposed findings of fact and conclusions of law (.4). Draft template for proposed findings of fact and conclusions of law. Draft correspondence to T. Hecht and A. Lane regarding proposed findings of fact and conclusions of law. (2.4)
Seth	Horvath	1/13/2022	1.40	Begin drafting proposed findings of fact and conclusions of law.
Seth	Horvath	1/14/2022	1.00	Continue drafting proposed findings of fact and conclusions of law.
Seth	Horvath	1/15/2022	3.00	Continue drafting proposed findings of fact and conclusions of law.
Seth	Horvath	1/16/2022	2.00	Continue drafting proposed findings of fact and conclusions of law.
Seth	Horvath	1/19/2022	0.50	Revise proposed findings of fact and conclusions of law.
Seth	Horvath	1/20/2022	1.90	Revise proposed findings of fact and conclusions of law.
Seth	Horvath	1/21/2022	0.20	Telephone conference with T. Hecht regarding proposed findings of fact and conclusions of law.

Seth	Horvath	1/26/2022	0.40	Videoconference with T. Hecht and A. Lane regarding next steps in finalizing proposed findings of fact and conclusions of law.
Seth	Horvath	1/28/2022	0.50	Analyze motion to dismiss amended complaint. Draft correspondence to A. Lane regarding same.
Seth	Horvath	2/1/2022	0.50	Telephone conference with T. Hecht and A. Lane regarding next steps in finalizing proposed findings of fact and conclusions of law.
Seth	Horvath	2/5/2022	3.00	Begin drafting response to Defendants' motion to dismiss Amended Complaint.
Seth	Horvath	2/7/2022	0.50	Continue drafting response to motion to dismiss.
Seth	Horvath	2/8/2022	8.40	Analyze cases and statutes to cite in response to Defendants' motion to dismiss amended complaint. Continue drafting response to Defendants' motion to dismiss amended complaint.
Seth	Horvath	2/9/2022	2.70	Finish analyzing cases and statutes to cite in response to Defendants' motion to dismiss amended complaint. Finish first draft of response to Defendants' motion to dismiss amended complaint. Draft correspondence to A. Lane, T. Hecht, and J. Davidson regarding same.
Seth	Horvath	2/10/2022	3.10	Analyze comments on response to motion to dismiss.
Seth	Horvath	2/11/2022	1.00	Revise response to motion to dismiss amended complaint in preparation for filing same.
Seth	Horvath	2/18/2022	0.80	Analyze A. Lane's revisions to Plaintiffs' proposed findings of fact and conclusions of law. Videoconference with A. Lane and T. Hecht regarding same.
Seth	Horvath	2/22/2022	0.50	Analyze T. Hecht's proposed revisions to proposed findings of fact and conclusions of law.
Seth	Horvath	2/23/2022	4.10	Begin revising proposed findings of fact and conclusions of law.
Seth	Horvath	2/24/2022	4.30	Continue revising proposed findings of fact and conclusions of law.
Seth	Horvath	2/25/2022	1.90	Continue revising proposed findings of fact and conclusions of law.
Seth	Horvath	2/26/2022	5.60	Finish revising proposed findings of fact and conclusions of law.

Seth	Horvath	3/2/2022	1.00	Revise proposed findings of fact and conclusions of law in preparation for filing same.
Seth	Horvath	3/3/2022	2.60	Revise Plaintiffs' proposed findings of fact and conclusions of law in preparation for filing same.
Seth	Horvath	3/4/2022	0.20	Analyze final, filed version of Plaintiffs' proposed findings of fact and conclusions of law.
Seth	Horvath	3/11/2022	0.50	Videoconference with T. Hecht, M. Picasso, J. Davidson, and K. Pickens regarding next steps in litigation.
Seth	Horvath	4/11/2022	0.50	Videoconference with S. Hogan, T. Hecht, A. Lane, M. Picasso, A. Rate, and K. Pickens regarding S. Hogan's knowledge of rule preceding SB 280.
Seth	Horvath	4/12/2022	1.20	Videoconference with N. Domitrovich, T. Hecht, A. Lane, M. Picasso, and K. Pickens regarding N. Domitrovich's knowledge of rule preceding SB 280.
Seth	Horvath	4/21/2022	1.40	Analyze findings of fact and conclusions of law on motion for preliminary injunction. Telephone conference with T. Hecht regarding next steps in litigation in light of same.
Seth	Horvath	4/22/2022	2.10	Videoconference with T. Hecht and ACLU litigation team regarding litigation strategy in light of preliminary-injunction ruling (1). Analyze regulation accompanying SB 280 to evaluate revisions to previous version of regulation. Analyze authorities regarding reversion to prior version of statute or regulation after finding of unconstitutionality (1.1).
Seth	Horvath	4/25/2022	0.40	Analyze authorities regarding exceptions to mootness doctrine in connection with formulating strategy for next steps in litigation. Revise pro hac vice declarations of S. Horvath, T. Hecht, and T. Solis in preparation for submitting motion for pro hac vice admissions.
Seth	Horvath	4/26/2022	1.60	Continue analyzing authorities regarding exceptions to mootness doctrine in connection with formulating strategy for next steps in litigation (.1). Videoconference with M. Picasso, A. Rate, A. Lane, and T. Hecht regarding litigation strategy (1.5)

Seth	Horvath	4/29/2022	0.40	Analyze information regarding potential law-enforcement effort to testify in support of permanent injunctive relief.
Seth	Horvath	5/3/2022	2.10	Draft motion for attorneys from Nixon Peabody LLP and ACLU Foundation to appear pro hac vice.
Seth	Horvath	5/4/2022	0.20	Analyze correspondence regarding retention of potential expert witnesses. Draft correspondence to T. Hecht, A. Lane, and J. Davidson regarding use of L. Schechter as expert.
Seth	Horvath	5/6/2022	1.00	Videoconference with A. Lane, A. Rate, T. Hecht, J. Davidson, and K. Pickens regarding retention of experts and overall litigation strategy.
Seth	Horvath	5/10/2022	0.20	Analyze materials to be used in drafting L. Schechter's expert affidavit. Draft correspondence to J. Davidson regarding same.
Seth	Horvath	5/13/2022	1.00	Videoconference with A. Lane, J. Davidson, M. Picasso, A. Rate, and T. Hecht regarding litigation strategy, including but not limited to expert retention and motion for summary judgment.
Seth	Horvath	5/23/2022	2.10	Draft Second Amended Complaint to incorporate class-action allegations.
Seth	Horvath	6/27/2022	5.30	Telephone conference with T. Hecht regarding next steps in litigation. Revise amended complaint with allegations regarding class certification and preliminary-injunction order.
Seth	Horvath	7/8/2022	3.20	Videoconference with litigation team regarding next steps in litigation (1). Revise second amended complaint in preparation for transmitting same to litigation team. Draft correspondence to litigation team regarding second amended complaint (2.2).
Seth	Horvath	7/18/2022	0.20	Begin analyzing first draft of motion for leave to file Second Amended Complaint.
Seth	Horvath	7/21/2022	0.40	Analyze motion for class certification.
Seth	Horvath	7/29/2022	1.00	Analyze revisions to Second Amended Complaint. Analyze motion for leave to file Second Amended Complaint. Video conference with T. Hecht regarding Second Amended Complaint and next steps in litigation.

Seth	Horvath	7/30/2022	8.50	Revise brief in support of motion for leave to file Second Amended Complaint. Draft motion for leave to file Second Amended Complaint. Draft proposed order to accompany motion for leave to file Second Amended Complaint. Revise Second Amended Complaint in accordance with T. Hecht's proposed revisions.
Seth	Horvath	8/3/2022	2.30	Revise motion for leave to file Second Amended Complaint in accordance with T. Hecht's proposed revisions. Revise Second Amended Complaint in accordance with T. Hecht's proposed revisions. Video conference with T. Hecht regarding revisions to motion for leave to file Second Amended Complaint. (1.7) video conference with litigation team regarding next steps in litigation (.6)
Seth	Horvath	8/31/2022	1.00	Video conference (moot) with litigation team to prepare M. Picasso for hearing on motion to clarify ruling on preliminary injunction.
Seth	Horvath	9/22/2022	0.70	Attend video conference with T. Hecht and ACLU team to discuss litigation strategy.
Seth	Horvath	9/28/2022	0.70	Telephone conference with T. Hecht regarding revisions to Second Amended Complaint. Video conference with litigation team regarding next steps in litigation.
Seth	Horvath	10/2/2022	3.00	Revise proposed Second Amended Complaint in preparation for circulating same to litigation team for further review.
Seth	Horvath	10/3/2022	1.80	Telephone conference with T. Hecht regarding next steps in litigation. Finish revising proposed Second Amended Complaint in preparation for circulating same to litigation team. Draft correspondence to litigation team regarding Second Amended Complaint. (1.2) Video conference with litigation team regarding litigation strategy (.6)
Seth	Horvath	10/7/2022	2.70	Analyze motion to clarify, reply in support of motion to clarify, and motion for writ of supervisory control in preparation for drafting response to sections I and V of motion for writ of supervisory control. Begin drafting response to sections I and V of motion for writ of supervisory control.

Seth	Horvath	10/10/2022	6.50	Analyze authorities cited in motion for writ of supervisory control in connection with drafting response to sections I and V of same. Continue drafting response to sections I and V of motion for writ of supervisory control.
Seth	Horvath	10/11/2022	3.00	Continue analyzing authorities cited in motion for writ of supervisory control in connection with drafting response to sections I and V of same. Continue drafting response to sections I and V of motion for writ of supervisory control.
Seth	Horvath	10/12/2022	2.20	Analyze J. Davidson's proposed revisions to motion for writ of supervisory control. Begin revising updated draft of response to motion for writ of supervisory control.
Seth	Horvath	10/13/2022	2.80	Finish revising response to motion for writ of supervisory control in preparation for transmitting same to T. Hecht for further revisions.
Seth	Horvath	10/14/2022	1.80	Analyze T. Hecht's proposed revisions to response to motion for writ of supervisory control. Revise updated version of response to motion for writ of supervisory control in preparation for transmitting same to ACLU attorneys for further review. Draft correspondence to ACLU attorneys regarding revised version of response to motion for writ of supervisory control.
Seth	Horvath	10/16/2022	0.40	Analyze exhibits to append to response to motion for supervisory control. Draft correspondence to A. Lane regarding open issues to address in finalizing response to motion for supervisory control.
Seth	Horvath	10/18/2022	0.50	Revise response to petition for writ of supervisory control in preparation for filing same.
Seth	Horvath	10/20/2022	0.70	Begin revising motion for class certification.
Seth	Horvath	10/21/2022	5.70	Finish revising motion for class certification. Revise motion for leave to file Second Amended Complaint. Revise brief in support of motion for leave to file Second Amended Complaint.
Seth	Horvath	10/22/2022	1.20	Finish revising motion for leave to file Second Amended Complaint. Finish revising brief in support of motion for leave to file Second Amended Complaint.

Seth	Horvath	10/24/2022	2.50	Analyze T. Hecht's additional proposed revisions to Second Amended Complaint and brief in support of motion for leave to file Second Amended Complaint. Finish revising Second Amended Complaint and brief in support of motion for leave to file Second Amended Complaint. Analyze authorities regarding effect of change in residency on venue in connection with revising Second Amended Complaint. Draft correspondence to A. Lane regarding effect of change in residency on venue.
Seth	Horvath	10/26/2022	2.50	Revise motion for class certification and supporting brief in preparation for filing same. Revise brief in support of motion for leave to file Second Amended Complaint and Second Amended Complaint in preparation for filing same.
Seth	Horvath	12/7/2022	0.60	Video conference with litigation team to discuss litigation strategy. Begin revising document requests and interrogatories.
Seth	Horvath	12/8/2022	4.00	Revise document requests and interrogatories. Draft correspondence to litigation team regarding same.
Seth	Horvath	1/2/2023	1.80	Revise reply in support of motion for leave to file Second Amended Complaint.
Seth	Horvath	1/3/2023	3.30	Revise reply in support of motion for class certification.
Seth	Horvath	1/7/2023	2.30	Revise reply in support of motion for leave to file Second Amended Complaint in preparation for filing same. revise reply in support of motion for class certification in preparation for filing same.
Seth	Horvath	1/10/2023	0.60	Analyze Montana Supreme Court's order on Defendants' motion for supervisory writ to identify next steps in litigation in response to same.
Seth	Horvath	1/12/2023	1.70	Analyze J. Davidson's memorandum regarding next steps in litigation in light of Montana Supreme Court's order on motion for writ of supervisory relief. (.8) Call with co-counsel regarding next steps in litigation in light of Montana Supreme Court's order on motion for writ of supervisory relief (.9)

Seth	Horvath	1/13/2023	0.90	Revise statement regarding Defendants' notice of supplemental authority in preparation for filing same. Analyze correspondence from J. Davidson regarding next steps in litigation. Draft correspondence to J. Davidson regarding next steps in litigation.
Seth	Horvath	2/27/2023	1.00	Video conference with litigation team regarding discovery issues. Revise proposed confidentiality order. Draft correspondence to litigation team regarding proposed confidentiality order.
Seth	Horvath	3/2/2023	1.00	Analyze order on motion for leave to file second amended complaint and order on motion for class certification.
Seth	Horvath	3/9/2023	0.70	Video conference with litigation team regarding next steps in litigation.
Seth	Horvath	3/14/2023	1.20	Revise motion for summary judgment on vagueness claim.
Seth	Horvath	3/15/2023	3.40	Revise Plaintiffs' motion for summary judgment (2.75). Confer with litigation team regarding next steps in litigation (.70).
Seth	Horvath	3/16/2023	0.30	Revise motion for summary judgment in preparation for filing same.
Seth	Horvath	3/20/2023	0.50	Analyze final, filed version of Plaintiffs' motion for summary judgment on vagueness claim. Draft administrative correspondence to Nixon Peabody Docket Department regarding e-filing access in Yellowstone County.
Seth	Horvath	3/21/2023	1.30	Analyze Defendants' expert disclosures. Draft additional administrative correspondence to Nixon Peabody Docket Department regarding e-filing access in Yellowstone County.
Seth	Horvath	4/12/2023	0.75	Participate in video conference with litigation team to discuss litigation strategy and reply in support of motion for summary judgment.
Seth	Horvath	4/21/2023	0.60	Revise reply in support of motion for summary judgment in preparation for filing same.
Seth	Horvath	5/17/2023	0.60	Video conference with litigation team to prepare for hearing on motion for summary judgment

Seth	Horvath	6/15/2023	0.50	Analyze Nixon Peabody time entries to identify on motion to clarify preliminary injunction and motion to enforce preliminary injunction to identify additional time entries to address in settlement correspondence to State of Montana regarding attorney's fees.
Seth	Horvath	6/28/2023	2.00	Analyze time entries to be submitted with fee petition. (1.5) Draft correspondence to K. Pickens regarding time entries to be submitted with fee petition. (.5)
Seth	Horvath	7/12/2023	0.50	Analyze disbursement descriptions for fee petition. (.3) Draft correspondence to K. Pickens regarding same. (.2)
Seth	Horvath	8/2/2023	0.60	Video conference with litigation team regarding status of fee petition and next steps in litigation in light of DPHHS's reversion to 2017 birth-certificate-amendment policy.
Seth	Horvath	8/9/2023	0.50	Video conference with A. Rate, A. Lane, and T. Hecht regarding next steps in fee-shifting litigation.
Seth	Horvath	8/10/2023	0.20	Draft correspondence to T. Hecht regarding next steps in litigation.
Seth	Horvath	8/11/2023	1.00	Draft stipulation regarding briefing schedule on objection to request for attorney's fees. (.6) Draft correspondence to litigation team regarding same. (.2) Revise same in accordance with J. Davidson's comments. (.2)
Seth	Horvath	8/16/2023	1.70	Revise stipulation and proposed order staying briefing and hearing on attorney's-fee issues. (.5) Video conference with J. Davison, A. Rate, T. Hecht, and K. Pickens regarding status of discussions with State regarding attorney's fees. (.5) Analyze case law regarding availability of fee-shifting for multiple related claims in preparation for objecting to State's response to request for attorney's fees. (.7)
Seth	Horvath	8/30/2023	0.80	Video conference with litigation team regarding next steps in litigation with respect to contempt ruling and fee-shifting. (.5) Analyze Defendants' Rule 60 motion to identify issues to address in response to same. (.3)

Seth	Horvath	9/3/2023	9.20	Analyze Defendants' Rule 60 motion to identify issues to be addressed in responding to same. (1.5) Analyze motion to enforce preliminary injunction, and reply in support of same, to identify issues to address in responding to Defendants' Rule 60 motion. (1.5) Analyze prior pleadings and orders in connection with drafting response to background section of Defendants' Rule 60 motion. (1.5) Begin drafting response to background section of Defendants' Rule 60 motion. (4.7)
Seth	Horvath	9/4/2023	1.80	Continue analyzing prior pleadings and orders in connection with drafting response to background section of Defendants' Rule 60 motion. (.6) Finish drafting response to background section of Defendants' Rule 60 motion. (1.2)
Seth	Horvath	9/7/2023	0.30	Draft correspondence advising J. Davidson regarding issues to address in response to Defendants' Rule 60 motion.
Seth	Horvath	9/13/2023	4.20	Revise unified draft of response to Defendants' Rule 60 motion.(3.5) Participate in video conference with litigation team. (.5) Draft correspondence to A. Rate regarding unified draft of response to Defendants' Rule 60 motion. (.2)
Seth	Horvath	9/19/2023	1.10	Revise response to Defendants' Rule 60 motion in preparation for filing the same. (.9) Draft correspondence to J. Davidson regarding revisions to the same. (.2)
Seth	Horvath	12/20/2023	0.50	Video conference with litigation team regarding next steps in litigation.
Seth	Horvath	1/3/2024	0.30	Video conference with ACLU litigation team and T. Hecht to discuss next steps in litigation, including fee petition.
Seth	Horvath	6/4/2024	1.50	Analyze orders, pleadings, and other materials relevant to drafting fee petition. Draft correspondence to T. Hecht regarding fee petition. Draft correspondence instructing M. Borse, K. Mallon, and C. Kurow regarding fee petition.
TOTAL =		x450	289.05	\$130,275.00
THOMAS HECHT				
Thomas	Hecht	3/4/2021	0.50	ACLU MT - Discussion of the nature of the case.

Thomas	Hecht	3/12/2021	1.00	ACLU MT - Zoom call regarding search for plaintiffs.
Thomas	Hecht	3/16/2021	1.20	ACLU MT - Call with ACLU regarding status of the Plaintiffs and potential claims.
Thomas	Hecht	4/6/2021	2.00	ACLU MT - Research underlying claims.
Thomas	Hecht	4/19/2021	0.50	ACLU MT - Status call with ACLU team.
Thomas	Hecht	4/20/2021	1.50	ACLU MT - Draft Complaint.
Thomas	Hecht	4/21/2021	4.00	ACLU MT - Draft and revise Complaint.
Thomas	Hecht	4/24/2021	4.00	ACLU MT - Draft and revise Complaint.
Thomas	Hecht	4/30/2021	2.50	ACLU MT - Review comments on draft Complaint from ACLU; confer with Horvath on new draft for distribution.
Thomas	Hecht	5/13/2021	2.30	Review case law on claims and outline preliminary injunction witnesses.
Thomas	Hecht	5/26/2021	2.00	Prepare for interviews with potential plaintiffs and interviews with same.
Thomas	Hecht	6/1/2021	0.50	Conference regarding Plaintiff Marquez.
Thomas	Hecht	6/4/2021	0.90	Conference call regarding Plaintiff
Thomas	Hecht	6/14/2021	2.50	Review complaint and Plaintiff drafts.
Thomas	Hecht	6/15/2021	1.00	Conference call with team regarding strategy.
Thomas	Hecht	6/16/2021	0.30	Multiple e-mails regarding schedule.
Thomas	Hecht	6/22/2021	1.50	Conferences regarding the Complaint.
Thomas	Hecht	7/7/2021	2.00	Review and edit Plaintiff's brief.
Thomas	Hecht	7/7/2021	0.60	Conference call with team.
Thomas	Hecht	7/8/2021	1.00	Continued edit and drafting for Plaintiff's materials.
Thomas	Hecht	7/10/2021	1.20	Outline tasks for PI hearing and review comments on brief.
Thomas	Hecht	7/14/2021	3.50	Editing the complaint and injunction brief.
Thomas	Hecht	7/14/2021	0.30	Conference call with co-counsel.
Thomas	Hecht	7/15/2021	3.00	Editing the complaint and the preliminary injunction papers.
Thomas	Hecht	8/10/2021	0.40	Review service papers and calculate pleading deadlines.
Thomas	Hecht	8/19/2021	2.50	Review Defendants' brief and outline same.
Thomas	Hecht	8/20/2021	1.50	Research exhaustion issues.
Thomas	Hecht	8/23/2021	0.50	Confer with S. Horvath regarding Zoom call Zoom call with team regarding next steps and research tasks (.50).
Thomas	Hecht	8/24/2021	2.60	Collect cases and draft internal memo on exhaustion under Montana law.
Thomas	Hecht	8/29/2021	3.00	Review preliminary injunction case law and critique of Defendants' filing.
Thomas	Hecht	8/30/2021	5.00	Draft outline for Reply brief and confer with S. Horvath regarding same.

Thomas	Hecht	8/31/2021	3.00	Revisions to outline. (2.4) Conference call with Montana team regarding drafting responses to defendants' submissions. (.6)
Thomas	Hecht	9/8/2021	4.20	Research and review exhaustion cases and draft section of reply brief.
Thomas	Hecht	9/9/2021	3.70	Edit exhaustion section and research due process cases for reply brief.
Thomas	Hecht	9/10/2021	4.00	Continue due process research and begin drafting.
Thomas	Hecht	9/11/2021	3.50	Edit both exhaustion and due process sections of reply.
Thomas	Hecht	9/11/2021	0.25	Circulate draft of exhaustion and due process sections of reply.
Thomas	Hecht	9/13/2021	0.20	Call with Seth H. re: PI
Thomas	Hecht	9/17/2021	4.00	Drafting Reply brief and edits to sections by others.
Thomas	Hecht	9/18/2021	2.30	Legal research on due process and exhaustion.
Thomas	Hecht	9/19/2021	3.00	Continued drafting and edits on response to motion to dismiss and Reply.
Thomas	Hecht	9/20/2021	2.50	Zoom call with Montana team (.5) and review drafts (2).
Thomas	Hecht	9/21/2021	3.50	Continued drafting and revisions to briefs. Continued legal research on same.
Thomas	Hecht	9/22/2021	4.20	Review various drafts of both briefs and edit same; confer with Horvath.
Thomas	Hecht	9/23/2021	2.50	Finalize briefs and edit for filing.
Thomas	Hecht	11/10/2021	0.60	Conference call with Montana team.
Thomas	Hecht	11/11/2021	0.50	Call with Seth H. re AC
Thomas	Hecht	11/11/2021	4.00	Draft amendments to complaint in light of HRB decision.
Thomas	Hecht	11/12/2021	4.00	Drafting amendments and legal research on amendments.
Thomas	Hecht	12/9/2021	0.20	Prepare for moot court presentations for Preliminary Injunction hearing.
Thomas	Hecht	12/10/2021	2.00	Prepare for moot court presentations for Preliminary Injunction hearing (.5). Moot (1.5)
Thomas	Hecht	12/15/2021	2.50	Prepare for moot court presentations for Preliminary Injunction hearing (1), moot (1.5).
Thomas	Hecht	12/20/2021	1.50	Preparing for hearing; team call
Thomas	Hecht	12/22/2021	1.50	Preliminary Injunction hearing (1.2) and post mortem with S. Horvath (.3).
Thomas	Hecht	1/21/2022	0.20	Call with Seth H. about PFOF and COL
Thomas	Hecht	1/26/2022	0.40	Zoom call Re Montana strategy.
Thomas	Hecht	1/28/2022	2.00	Research and drafting for MTD response.

Thomas	Hecht	2/1/2022	1.00	Team meeting (.5) and call with AL and SH re: FOFCOL (.5)
Thomas	Hecht	2/6/2022	5.00	Continued research into MTD issues and draft memo.
Thomas	Hecht	2/9/2022	4.00	Research declaratory judgment issues.
Thomas	Hecht	2/9/2022	1.00	Draft memo regarding declaratory judgment issues.
Thomas	Hecht	2/10/2022	2.00	Edits to MTD response.
Thomas	Hecht	2/10/2022	1.50	Revise draft of MTD response.
Thomas	Hecht	2/26/2022	4.00	Edit Findings of Fact and Conclusions of law.
Thomas	Hecht	2/27/2022	3.00	Continued edits and review of Findings of Fact and Conclusions of Law.
Thomas	Hecht	3/1/2022	0.40	Zoom call regarding tasks, FOF and COL and MTD.
Thomas	Hecht	3/11/2022	0.50	Call with co-counsel regarding litigation.
Thomas	Hecht	3/24/2022	1.00	Call regarding tasks and proof issues.
Thomas	Hecht	4/8/2022	1.00	Zoom call with team regarding status of case, discovery and expert witnesses.
Thomas	Hecht	4/11/2022	0.50	Call with S. Hogan.
Thomas	Hecht	4/12/2022	1.20	Zoom call with N. Domitrovich regarding history of 2017 regulation.
Thomas	Hecht	4/12/2022	3.40	Draft edits to Proof summary.
Thomas	Hecht	4/14/2022	3.60	Draft edits to proof summary and legal research.
Thomas	Hecht	4/15/2022	3.50	Draft edits to Proof summary.
Thomas	Hecht	4/21/2022	5.00	Research on evidence rules. Review decision on PI motion; confer with S. Horvath regarding same.
Thomas	Hecht	4/22/2022	6.00	Zoom calls with Montana team and potential expert (2); inserts from PI to proof summary (4).
Thomas	Hecht	4/26/2022	1.50	Team call re: strategy
Thomas	Hecht	5/5/2022	4.00	Zoom calls with potential experts and prep for same.
Thomas	Hecht	5/6/2022	1.00	Zoom call with team regarding status.
Thomas	Hecht	5/9/2022	0.40	Zoom call with Ayden Scheim regarding status of assignment.
Thomas	Hecht	5/10/2022	0.80	Conference with Prof. Cochran to discuss retention and assignment.
Thomas	Hecht	5/13/2022	1.00	Zoom call with team regarding status and mootness issues.
Thomas	Hecht	5/31/2022	1	Call with Malita and Akilah re: motion for clarification
Thomas	Hecht	6/27/2022	3.20	Review draft class certification motion; edit same. Call with S. Horvath.
Thomas	Hecht	7/18/2022	4.00	Draft motion for Leave to Amend and memo.
Thomas	Hecht	7/19/2022	2.50	Edits to Second Amended Complaint.

Thomas	Hecht	7/20/2022	3.80	Draft motion and memo for Leave to Amend.
Thomas	Hecht	7/28/2022	1.60	Edits to memo for Leave to File Amended Complaint.
Thomas	Hecht	7/29/2022	3.00	Edits to Complaint and memo; confer with S. Horvath regarding same.
Thomas	Hecht	8/26/2022	2.00	Draft responses to questions.
Thomas	Hecht	8/31/2022	1.00	Prepare for and participation in moot of Malita for September 15, 2022 argument.
Thomas	Hecht	9/22/2022	0.70	Conference call regarding AC
Thomas	Hecht	10/6/2022	3.60	Draft summary response sections.
Thomas	Hecht	10/7/2022	2.50	Research and draft summary response section.
Thomas	Hecht	10/9/2022	2.30	Research and draft summary response section.
Thomas	Hecht	10/17/2022	3.50	Continued drafting and review of summary response.
Thomas	Hecht	10/19/2022	2.50	Draft and edit cert brief.
Thomas	Hecht	10/20/2022	3.00	Draft and edit class client. brief.
Thomas	Hecht	11/16/2022	2.00	Draft interrogatories and requests for documents.
Thomas	Hecht	11/17/2022	2.50	Draft requests for documents.
Thomas	Hecht	11/18/2022	2.50	Draft requests for documents and interrogatories.
Thomas	Hecht	12/5/2022	0.50	Review Defendants brief in opposition to class.
Thomas	Hecht	12/5/2022	0.70	Review Defendants brief in opposition to filing second amended complaint.
Thomas	Hecht	12/7/2022	0.60	Zoom call with team to discuss status of case.
Thomas	Hecht	12/16/2022	3.00	Draft reply brief for motion to amend.
Thomas	Hecht	12/18/2022	4.50	Continued work on reply brief.
Thomas	Hecht	12/19/2022	4.50	Continued work on drafting reply.
Thomas	Hecht	12/21/2022	0.40	Team meeting.
Thomas	Hecht	12/23/2022	1.50	Continued review of draft reply and edits.
Thomas	Hecht	12/30/2022	1.00	Review edits to replies.
Thomas	Hecht	1/4/2023	0.50	Zoom call on status and prep for same.
Thomas	Hecht	2/6/2023	0.50	Review JD email re expert reports for 2/14 filing.
Thomas	Hecht	2/7/2023	0.80	Search for Ettner bibliography.
Thomas	Hecht	2/22/2023	3.00	Review discovery responses from defendants.
Thomas	Hecht	2/27/2023	2.30	Zoom call with team. Discuss discovery responses (1). Draft deficiency letter (1.3).
Thomas	Hecht	2/28/2023	2.20	Draft deficiency letter. Research State discovery obligations.
Thomas	Hecht	3/3/2023	1	Team call regarding discovery and next steps

Thomas	Hecht	3/9/2023	0.70	Conference with team regarding discovery issues and compliance letter.
Thomas	Hecht	3/15/2023	0.50	Review summary judgment pleading and case law.
Thomas	Hecht	3/19/2023	0.50	Review summary judgment draft and edit same.
Thomas	Hecht	3/22/2023	0.30	Conference with court on schedule issues.
Thomas	Hecht	4/10/2023	0.50	Review Defendant's response to summary judgment.
Thomas	Hecht	4/12/2023	0.70	Review Defendant's response to summary judgment and prep for zoom call.
Thomas	Hecht	4/12/2023	0.75	Team meeting by zoom. Discuss status and briefing on summary judgment and next steps.
Thomas	Hecht	4/20/2023	1.50	Review draft Reply Brief and edit same.
Thomas	Hecht	4/22/2023	0.70	Edit Reply Brief.
Thomas	Hecht	5/17/2023	1.00	Review argument on summary judgment.
Thomas	Hecht	5/17/2023	0.50	Preparations for argument and outline questions for moot.
Thomas	Hecht	5/24/2023	0.60	Meet with team to discuss court hearing
Thomas	Hecht	5/24/2023	0.75	Prep via zoom for Moses argument; review case law and appellate court decisions on summary judgment.
Thomas	Hecht	5/26/2023	1.00	Moot for MSJ
Thomas	Hecht	8/9/2023	0.50	Team meeting
Thomas	Hecht	8/16/2023	0.50	Team meeting: atty fee debrief
Thomas	Hecht	8/25/2023	1.80	Research standard for Montana Rule 60 motion. (.6) Review Defendant's Montana Rule 60 motion. (1.2)
Thomas	Hecht	8/26/2023	2.00	Begin drafting response to Rule 60 motion.
Thomas	Hecht	8/27/2023	1.50	Continue drafting response to Rule 60 motion.
Thomas	Hecht	8/30/2023	0.80	Videoconference with litigation team regarding Rule 60(b) motion and related issues.
Thomas	Hecht	9/5/2023	4.30	Continue drafting response to Rule 60 motion. (3.0) Research limits of the rule. (1.3)
Thomas	Hecht	9/6/2023	3.40	Continued drafting response to Rule 60 motion.
Thomas	Hecht	9/7/2023	4.00	Review team members' drafts of sections of response to Rule 60 motion. (2.5) Review additional case law regarding Rule. (1.0) Edit drafts of sections of response to Rule 60 motion. (.5)
Thomas	Hecht	9/8/2023	3.50	Continue revising response to Rule 60 motion.

Thomas	Hecht	9/12/2023	2.00	Revise response to Rule 60 motion.
Thomas	Hecht	9/13/2023	1.50	Videoconference with litigation team regarding response to Rule 60 motion. (.5) Review draft sections of response to Rule 60 motion. (1)
Thomas	Hecht	9/16/2023	1.30	Revise response to Rule 60 motion.
Thomas	Hecht	9/17/2023	2.50	Revise response to Rule 60 motion.
Thomas	Hecht	12/20/2023	0.50	Team call
Thomas	Hecht	1/3/2024	0.30	Team call
Thomas	Hecht	6/14/2024	0.30	Confer with S. Horvath re: DC Atty fees
Thomas	Hecht	6/17/2024	2.00	Research reasonableness and MT attys fees cases
Thomas	Hecht	6/19/2024	2.50	Draft fee request memo
Thomas	Hecht	6/24/2024	0.80	Draft fee memo and forward to Horvath
TOTAL =		x550	292.05	\$160,627.50
GRAND TOTAL FOR ALL FEES				
\$661,133.75				

CERTIFICATE OF SERVICE

I, Thane P. Johnson, hereby certify that I have served true and accurate copies of the foregoing Answer/Brief - Brief in Opposition to the following on 08-16-2024:

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Electronically signed by Deborah Bungay on behalf of Thane P. Johnson
Dated: 08-16-2024