

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ARTHUR DOE, *et al.*

Plaintiff,

v.

FITCH,¹ *et al.*,

Defendants.

Case No. 3:16-cv-00789 (CWR) (FKB)

DECLARATION OF MATTHEW STRUGAR IN SUPPORT OF
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS

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¹ Lynn Fitch is substituted for former Attorney General Jim Hood. Fed. R. Civ. P. 25(d).

I, Matthew Strugar, declare under penalty of perjury as follows:

1. I am licensed to practice law in the states of California and New York, as well as the District of Columbia, and am admitted *pro hac vice* to practice in the United States District Court for the Southern District of Mississippi. I represent the Plaintiffs in this case. I submit this declaration in support of Plaintiffs' Motion for Award of Attorneys' Fees and Costs. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, could and would testify competently thereto.

2. I am currently a solo practitioner, where I focus my practice on constitutional civil rights litigation, anti-SLAPP, animal law, police misconduct, and public records litigation.

3. Prior to focusing on my full-time solo practice, I was the Director of Litigation at the PETA Foundation, where my practice focused on litigation involving animal welfare and the First Amendment. My work there included *Animal Legal Defense Fund, et al., v. Otter, et al.*, Case No. CV 14-104 (BLW) (successful First Amendment facial challenge to the state "Ag Gag" law, which criminalized undercover investigation of animal production facilities); *People for the Ethical Treatment of Animals v. San Diego Regional Airport Authority, et al.*, Case No. CV 04 - 00532 CAB (RBBx) (S.D. Cal.) (successfully settled First Amendment challenge to content discrimination by public entity in accepting advertising); *Allison v. Board of Education of Green Local School District, et al.*, Case No. CV 15-416 LW (N.D. Ohio) (successfully settled First Amendment case on behalf of public school teacher fired over statements advocating animal welfare); and *Animal Legal Defense Fund, et al., v. The Great Bull Run, et al.*, Case No. CV 14 -01171 MEJ (N.D. Cal.) (successfully settled consumer protection action seeking to enjoin company from staging bull runs in violation of the California Penal Code).

4. Prior to my work for the PETA Foundation, I was a staff attorney at the Disability Rights Legal Center ("DRLC") in Los Angeles California. At DRLC my practice focused on the rights of people with disabilities in law enforcement situations. I was the day-to-day attorney on cases including *Johnson, et al. v. County of Los Angeles, et al.*, Case No. CV 08-3515 DDP (JTLx) (C.D. Cal.) (successfully settled certified class action addressing pervasive discrimination

against people with physical disabilities and disabling medical conditions in the Los Angeles County jail system); *Sengupta v. City on Monrovia, et al.*, Case No. CV 09-0795 ABC (SHx) (C.D. Cal.) (successfully settled certified class action addressing failures to provide effective communication for people who are deaf or hard of hearing during law enforcement encounters); and *Martinez, et al., v. City of Maywood, et al.*, Case No. CV 09-06734 SJO (RCx) (C.D. Cal) (case addressing failure of the Maywood Police Department and Los Angeles County District Attorney's Office Bureau of Investigation's failure to accommodate young woman with autism and severe mental retardation in execution of search warrant and interrogations at her family residence). I also had the sole responsibility of monitoring a number of DRLC's settlement agreements involving law enforcement, including *Valenzuela v. County of Los Angeles*, Case No. CV 02-9092 ABC (JWJx) (C.D. Cal.) (successfully settled class action addressing failure to provide effective communication for people who are deaf and hard of hearing in field and jail settings by Los Angeles County Sheriff's Department); and *Lauderdale v. City of Long Beach, et al.*, Case No. CV 09-0795 ABC (JWJx) (C.D. Cal.) (case addressing failure to provide effective communication for people who are deaf and hard of hearing in field and jail settings by the Long Beach Police Department).

5. Before joining DRLC, I was a staff attorney with the Center for Constitutional Rights in New York City after graduating from USC Law School in 2004. There I focused on police and government misconduct cases, including prospective and certified class actions, including *Turkmen, et al., v. Ashcroft, et al.*, Case No.: CV-02-2307 JG (SMG) (E.D.N.Y.) (still-ongoing prospective class action challenging the prolonged detention and restrictive confinement of Arab, Muslim, and South Asian men arrested on immigration violations in the New York / New Jersey area in wake of the 9/11 terrorist attacks), *Gulino, et al., v. Board of Education of the City of New York, et al.*, Case No.: CV- 96-8414 KMW (S.D.N.Y) (successfully certified class of public school teachers of color challenging the use of discriminatory tests and licensing rules),

and *Kunstler, et al., v. City of New York, et al.*, Case No.: CV-04-1145 RWS (S.D.N.Y.) (fifty-two plaintiff unlawful arrest case of anti-war protestors that settled for two million dollars).

6. In this case, work was delegated and divided among the Plaintiffs' attorneys to avoid duplication of effort to the greatest extent possible. Different attorneys took primary research and drafting responsibility for different motions or different aspects of a single motion.

7. As a result of the work that I performed on this case, my ability to take on other representations was limited. My work on this case during various portions of 2015, 2016, and 2017 limited my ability to develop, file, and litigate other lawsuits.

8. Because this case sought only declaratory and injunctive relief and involved complicated legal issues, I believe that the likelihood that other lawyers outside of the nonprofit public interest sector would have taken the case (except on a *pro bono* basis) is very low.

9. Plaintiffs' counsel in this case initially attempted to resolve this dispute without resorting to litigation. In early 2016, Plaintiffs' counsel discussed potentially resolving the dispute with Paul Barnes at the Mississippi Attorney General's office. Those negotiations lasted months. Only after Mr. Barnes made it clear that his office would not resolve the dispute without litigation did Plaintiffs file suit.

10. I kept contemporaneous time records in this case. I recorded my time daily, including notation of the nature of the services and work performed. I record my time in tenth of an hour increments. Attached hereto as **Exhibit A** is a true and correct copy of my time records on the merits portion of this litigation. I have carefully reviewed these records up through obtaining Partial Judgment and attest that they reflect time that was reasonably spent in litigating this case. My hours consist of 278.5 hours on the merits portion of the litigation, including 44.4 hours of travel and 234.1 of non-travel work.

11. Attached hereto as Exhibit B is a true and correct copy of my time records so far spent litigating the fees in this litigation. I have carefully reviewed these records and attest that

they reflect time that was reasonably spent in litigating the fees in this case. These hours consist of 17.4 hours litigating the fees in this case.

12. My current rate for work performed in the Central District of California and the Los Angeles and Orange County Superior Courts is \$725 an hour. I settle the attorneys' fees issue in most of my cases but my base lodestar in those negotiations is based on the \$725 rate. In the most recent case in which I was forced to bring the attorneys' fees issue to motion, the Los Angeles Superior Court approved my rate of \$675 an hour for work performed in 2017 in *Manning's Beef, LLC v. Los Angeles Cow Save*, Los Angeles Superior Court Case No. BC651650. In 2016, the Los Angeles Superior Court, issued an order providing me a rate of \$550 per hour, with a multiplier of 1.5 times for an effective rate of \$825 per hour, in *Geiser v. Kuhns*, LASC Case No. BS161018. My 2010 rate of \$525 an hour was approved by the U.S. District Court for the Central District of California in *Johnson, et al. v. County of Los Angeles, et al.*, Case No. CV 08-3515 DDP (JTLx), Dkt. Nos. 215-1 (detailing rates and basis of rates) & 219 (order granting full requested lodestar) and in *Californians Living Independent and Free, et al., v. City of Los Angeles, et al.*, Case No. CV09-287 CBM (RZx), Dkt. No. 255, Order Granting Plaintiffs' Application for Reasonable Attorneys' Fees and Costs, at 6-7.

13. While I am seeking out-of-market rates in this action, I am not seeking my full \$725 Los Angeles rate. Instead, I am seeking a rate of \$450, which I believe is a reasonable blended rate between my Los Angeles rate and the rate my services would command in the Northern Division of the Southern District of Mississippi legal market.

14. After Plaintiff Arthur Doe obtained relief in the Mississippi state courts and the time for the State to appeal that relief ran, I reached out to Mr. Barnes, counsel for Defendants, to discuss the potential of resolving the issue of attorneys' fees among the parties and without burdening the court through motion practice. I presented Defendants' counsel with Plaintiffs' lodestar and time records through Partial Judgment and offered to settle or stipulate to a negotiated amount. Mr. Barnes asked Plaintiffs to counsel to provide our time records, which we

did. I followed up with Mr. Barnes again and again throughout late 2020 and early 2021 about this issue. Despite months passing, I never received a counteroffer or any other substantive response to my attempt to resolve the fees and costs.

15. Attached hereto as **Exhibit B** is a true and correct copy of my time records on the fees portion of this litigation to date. My hours consist of 17.4 hours on the fees to date, which, at \$450 an hour, totals \$7,830.00. My co-counsel Shayana Kadidal also incurred 29.1 hours preparing this fees motion, which, at \$550 an hour, totals \$16,005.00. See Declaration of Shayana Kadidal ¶ 21. Together, this amount totals \$23,835.00.

Pursuant to 28 U.S.C. § 1924, I certify that the information in this declaration and its exhibits are correct to the best of my knowledge and that the services for which fees are sought were actually and necessarily performed.

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

Dated this 10th day of December, 2021 at Los Angeles, California.

/s/ Matthew Strugar
Matthew Strugar

Exhibit A

<u>Date</u>	<u>Hours</u>	<u>Travel</u>	<u>Description</u>
3/2/15	0.5		T/c w/ Alexis Agathocleous re: factual situation, legal theories, etc.
3/3/15	0.2		Obtain file for review from AA; print same
3/7/15	2.2		Review file (Complaint in Doe v. Jindal I, motion to dismiss, opposition, and ruling, motion for summary judgment, opposition, reply, and ruling, complaint in Doe II, settlement, and letter to Mississippi SOR)
3/9/15	0.5		Research state sodomy challenges post-Lawrence; review scholarship re: same
3/9/15	0.1		Email to AA re: next steps
3/18/15	0.4		Review Gillian Stoddard Leatherberry research on Mississippi sodomy challenges and sex offender registry scheme
3/19/15	0.9		Call w/ AA, Ghita Schwatz, and Claire Daley re: claims, legal and factual research, local counsel, potential clients
3/26/15	0.5		emails and t/c with David Gespass re: potential local counsel
3/30/15	0.3		Emails to GS and AA re: potential local counsel
3/30/15	0.4		Receive draft cooperating counsel agreement, read, execute, and return signature page to CCR
4/1/15	0.3		Review email from GS re: local counsel, follow up research on each
4/1/15	0.5		Review Kennedy's majority opinion in Lawrence v. Texas
4/8/15	0.7		Receive and review Gillian Stoddard Leatherberry research re: post-Lawrence challenges to state sodomy laws and potential defendants
4/8/15	0.9		Conference call with GS, AA, CD, and Gillian Stoddard Leatherberry re: potential local counsel, potential plaintiffs, legal theories, and next steps
4/8/15	0.2		Emails (x3) with GSL re: timing and division of labor on complaint drafting
4/13/15	0.5		Outline complaint, lengthy email to GSL with outline thoughts and discussing division of labor and timing for initial draft
4/15/15	0.2		Emails to/from GSL re: status of complaint and next steps
4/15/15	0.3		Receive and review chart of potential plaintiff and notes, brief follow up research on same
4/19/15	0.5		Pull opinion and briefing in MacDonald v. Moose litigation over Virginia sodomy statute; began review of same
4/21/15	0.4		Review GSL's draft complaint
4/21/15	0.7		Research state of the law on preliminary injunction standards (minus likelihood of prevailing on merits) in Fifth Circuit and Mississippi districts
4/22/15	0.1		Review updated chart of potential plaintiffs

4/23/15	0.2	Review latest draft of the complaint
4/23/15	0.2	Call w/ GSL to discuss next draft of the complaint, timeline for different sections
		Call w/ team to discuss state of the complaint, plaintiff search, causes of actions, local counsel, and next steps moving forward
4/24/15	0.7	
4/29/15	0.3	Review GSL's recent draft of the complaint
4/30/15	0.1	Review proposed agenda for call with client
4/30/15	0.5	Participated in team call w/ client re: factual background, strategy, timeline, and next steps
		Participated in call with AA, GS, GSL, and CD re local counsel, facts, causes of action, relief, status of complaint, status of plaintiff search
		Reviewed GSL's working draft of the complaint, continued drafting and conducted related legal and factual researching
5/16/15	4.3	
		Email to AA, GS, and CD related to questions on issue of damages, class, and defendants for agenda of next call
5/16/15	0.2	
		Conference w/ AA, GS & CD re: state of the complaint, legal research issues around class, damages, and other issues, local counsel search, and timing
5/18/15	0.9	
		Review and takes notes on entire structure of the Mississippi Sex Offender Registry Law, Miss Code Ann. 45-33-21 through 45-33-61
5/23/15	1.3	
5/23/15	3.4	Draft, revise, rework complaint with focus on introduction and statutory background on MSOR
		Emails (x4) with AA & GS re: research on potential Heck issue, local counsel search, scheduling next conference
5/28/15	0.3	
5/28/15	1.5	Draft "Nature of Action" section of complaint
		Continued to draft and revise complaint, focusing on statutory overview of sodomy law and registration law
5/29/15	2.3	
5/31/15	0.8	Draft and revise complaint, continuing to focus on registration requirements
6/2/15	0.4	Long email to team re: scope of challenge, potential plaintiff search, and other strategy questions
6/3/15	0.2	Emails among team re: same
6/10/15	0.7	Review existng plaintiff search, research Mississippi counties, determine what's left to be done, search registry for scope of inquiry, email team with plan to divide tasks to move forward
6/12/15	0.1	Receive and review email from CD re: division of labor for plaintiff search and instructions

6/13/15	2.0	Search registry for seven counties; input results into spreadsheet; report back to team re: results
6/19/15	0.6	Conference with team re: plaintiff search and next steps
6/23/15	0.8	Revise and edit complaint
6/24/15	0.4	Review compiled list of potential plaintiffs from CD; reply re: promising leads
6/24/15	0.5	Revise and edit complaint
6/28/15	0.9	Additional review, revisions, and drafting of complaint; send same to team for review.
7/17/15	0.4	Review AA & GS comments to draft complaint
7/18/15	0.8	Call w/ team re: complaint, legal theories, plaintiff search, local counsel, and next steps
7/19/15	1.4	Edit complaint and conduct related research in response to AA & GS comments
7/19/15	1.0	First draft of class allegations
7/19/15	0.6	Review John Cusick numerosity memo; revise complaint based on same
8/26/15	0.3	Receive and respond to email re: potential plaintiff outreach and next steps
8/24/15	0.8	Revise and draft three letters to potential plaintiffs; email team re: same
8/27/15	0.1	Email from GS re: potential plaintiff outreach efforts
9/2/15	1.1	Research local and national organizations for potential organizational plaintiffs or assistance with outreach; composed emails to same
9/10/15	0.2	Receive and review email re: new potential named plaintiff
9/10/15	1.2	Conference with team re: strategy, plaintiffs, next steps
9/10/15	0.5	Initial research on class certification in the Fifth Circuit and Northern District of Mississippi
9/11/15	0.6	Call w/ Brenda Jones and Larry Neely at Reform Sex Offender Laws, Inc.
9/12/15	2.2	Research, outline, and draft sections of class certification motion
9/13/15	0.2	Email to team summarizing call with RSOL
9/14/15	0.7	Call w potential plaintiff Christine Mitchell
9/14/15	0.2	Emails with team re: potential plaintiff and strategy
9/14/15	2.6	Continue researching and drafting class cert motion
9/15/15	1.8	Continue researching and drafting class cert motion
9/17/15	0.3	Correspondence with team re: new potential plaintiffs and community outreach
9/28/15	0.2	Correspondence re: potential plaintiffs
10/13/15	0.8	Review latest draft of complaint
10/29/15	0.6	Conference call w/ team re: plaintiffs, community orgs, legal theories, and meeting clients in person
11/1/15	3.4	Continued research and drafting class certification motion

11/3/15	1.7	Continued research and drafting class certification motion
11/4/15	0.2	Emails w/ CD re: background research on potential plaintiffs
11/4/15	2.3	Continued to research and draft class certification brief
11/8/15	6.4	Continued to draft class certification brief, conduct related research, edit same, circulate to team with thoughts
11/27/15	3.9	Review AA comments to class cert brief; research and revise in response to same; research and draft 23(b)(1)(A) section
12/8/15	0.2	Review lengthy update from co-counsel on meetings with clients and others
12/9/15	0.2	Correspondence (x3) re: additional client meetings, co-counsel, etc.
12/15/15	0.1	Review final correspondence re: client and co-counsel meetings in MS
12/18/15	1.1	Call w/ CCR co-counsel re: next steps to filing, complaint, class certy, new plaintiffs, strategy
12/31/15	1.2	Review recent round of comments and edits to complaint, revise in response to comments
12/31/15	0.9	Revise class cert brief in response to new developments, plaintiffs, etc.
1/1/16	1.6	Finish revising new draft of the class cert brief; circulate to team with discussion of next steps
1/14/16	0.9	Call w/ local counsel and CCR team re: strategy, deadlines, approaching AG's office, etc.
1/29/16	0.9	Call w/ CCR re: due process claims and strategies, effect on PI and class cert briefs
1/31/16	2.8	Review recent draft of complaint with new due process strategy and review PI brief; circulate same to team w/ cover email
2/26/16	0.3	Review state's responses to Public Records request and review emails (x6) re: pre-filing settlement discussions with state AG's office
2/27/16	0.6	Call w/ CCR team re: pre-filing settlement discussions and strategy with state AG's office
2/29/16	0.5	Call w/ local counsel and CCR re: prefiling settlement discussions and legal strategy
3/3/16	0.2	Review emails and outline of points to make on call with opposing counsel; circulate additions to points
3/5/16	2.7	Research and draft memo on judicial treatment of MacDonald v. Moose
3/8/16	1.0	Call w team re: call with State AG's office, strategy, class certification, preliminary injunction, complaint, and press
3/8/16	0.9	Review and revise class certification brief based on recent developments
3/10/16	0.4	Continued to research and draft memo on judicial treatment of MacDonald v. Moose
3/13/16	0.6	Finalized edit and reworking of class certification brief

3/13/16	2.4	Continued to research and edit memo on MacDonald and marriage equality decision's treatment of Lawrence; circulate to group
3/16/16	0.7	Call w. team re: preliminary injunctive strategy, class cert strategy, potential plaintiffs, amicus
4/2/16	2.3	Receive, reviewed, researched, and edited latest draft of the PI brief
6/22/16	0.9	Call with co-counsel re: timing, deadline, travel to MS, next steps
7/2/16	1.2	Detailed review of complaint, made edits, circulated version to co-counsel
8/15/16	1.5	In person meeting at CCR regarding various motions and pleadings, travel to Mississippi, timeline for filing, etc.
8/19/16	0.8	Final review and edit of Complaint
8/22/16	1.2	Initial review of pseudonymity motion
8/22/16	0.7	Review and revise brief in support of class cert motion
8/22/16	1.0	Review and revise preliminary injunction brief
8/24/16	2.1	Detailed review and reworking of pseudonymity motion; email to team re: all filings
8/24/16	0.3	Call w/ AA re: Mississippi travel and planning
8/30/16	0.4	Correspondence (x3) with team re: recent Sixth Circuit opinion and potential ex post facto claim; review opinion
9/13/16	0.6	Call w/ AA & GS re: Mississippi trip planning, strategy & execution
9/17/16	0.8	Research (find other moving papers for district) and draft moving papers for class certification, preliminary injunction, and pseudonymity motions
9/17/16	0.3	Draft verifications for each client under pseudonym and real identity
9/18/16	7.5	Travel to Jackson, MS
9/19/16	2.1	Travel to meeting with Brenda Doe
9/19/16	1.0	Meeting w/ Brenda Doe
9/19/16	1.7	Travel to meeting with Faith Doe
9/19/16	1.5	Meeting with Faith Doe
9/19/16	1.7	Travel to meeting with Elizabeth Doe
9/19/16	1.0	Meeting with Elizabeth Doe
9/19/16	1.6	Travel back to Jackson
9/20/16	2.9	Travel to meeting with Carol Doe
9/20/16	1.3	Meeting with Carol Doe
9/20/16	3.1	Travel back to Jackson
9/21/16	1.1	Meeting with AA, GS, and RM

9/21/16	1.1	Meeting with Arthur Doe
9/21/16	0.8	Meeting with David Doe
9/21/16	0.6	Meeting with AA, GS, and Jake
9/21/16	9.6	Travel back to Los Angeles (one leg of flight delayed)
		Call with AA, GS, CD, Stephanie Llanes Re: preliminary injunction versus summary judgment, evidence, strategy, and next steps
9/29/16	1.6	
10/3/16	1.4	Draft AA and MS declarations ISO class cert motion
10/4/16	0.4	Review converted PI-to-MSJ brief
		Call with AA, GS, CD, SL re: revised MSJ, plaintiffs, pseudonymity motion, class certification, declarations in support, and next steps.
10/4/16	1.1	
		Research post-judgment class certification; class certification for remedial purposes only; correspond with team re: same
10/4/16	2.0	
		Continue research on post-judgment class certification, simultaneous class certification and summary judgment motions, draft and circulate memo re: same
10/5/16	2.9	
10/6/16	0.4	Call w/ AA GS CD SL RM and JH re filing complaint, class cert, summary judgment, and strategy
		Review and review moving papers and brief in support of class certification; related research on notice in summary judgment context
10/7/16	2.5	
10/7/16	0.2	Review filed complaint, summons, civil cover sheet; emails regarding judicial assignment
10/7/16	0.8	Research and draft McDuff declaration in support of class certification
		Draft Alexis' declaration in support of cert on numerosity and revise rest of dec; insert cites to dec in class cert brief
10/7/16	0.6	
10/11/16	0.2	Prepare pro hac vice motion
10/12/16	0.4	Review AA's edits and comments to class cert motion, brief, and decs in support
10/12/16	0.3	Review draft dec ISO MSJ to establish standing; evidence; email to team re: same
10/13/16	0.6	Weekly strategy call on call from AG's office, class cert, summary judgment, press, etc.
10/13/16	0.4	Begin review of current MSJ draft
10/13/16	0.8	Complete review of current MSJ draft; recirculate with comments
10/20/16	0.5	Weekly strategy call with litigation team
10/20/16	0.5	Draft and circulate proposed order for class certification motion
10/25/16	0.4	Meet and confer with opposing counsel re: protective order, pseudonymity
10/25/16	0.3	Call with team re: pseudonymity, issues raised by opposing counsel on call

10/26/16	0.5	Review draft protective order, motions re pseudonymity and filing under seal, circulate comments on same to team
10/31/16	0.2	Call w/ GS re: class certifications issues; timing of filing
11/1/16	0.3	Review email from GS on class member issue; review research on same; reply re: same
11/2/16	0.3	Call w/ AA re: def's answer, timing of our affirmative motions, strategy
11/3/16	0.6	Review notice of motion, brief, and proposed order on pseudonymity and sealing
11/11/16	0.2	Review various emails between court, opposing counsel, and co-counsel re: scheduling and briefing orders
11/11/16	0.8	Call with AA, GS, SL, and CD re: timing strategy and call with magistrate
11/18/16	0.4	Review Ds' Motion for Discovery
11/18/16	0.2	Email to team re: response to discovery motion
11/21/16	0.6	Call w/ MJ Ball re: discovery and pending motions
11/21/16	0.4	Call w/ AA, GS, SL, and CD at CCR re: call with Judge Ball, strategy and division of labor on opposition brief and reply brief, settlement
11/21/16	0.8	Research on timing of class certification and MSJs for Opp to State's motion for discovery
11/24/16	0.3	Receive and review Ds' Opp to Pseudonymity
11/24/16	0.4	Review and take notes on Ds' Motion to Stay Discovery (Class cert section)
11/24/16	2.0	Research re: discovery and standing in class certification for opposition to motion to stay discovery and reply on class certification
11/25/16	1.1	Research on class certification discovery, interplay between merits inquiry, and interplay with a Ps' MSJ
11/26/16	3.3	Research and draft opposition to defendants' request for discovery on the class certification issue and reply on class certification motion
11/27/16	4.7	Research and draft opposition to defendants' request for discovery on the MSJ and reply on MSJ
11/27/16	2.0	Continue drafting class cert reply and opp to discovery on class cert; circulate to team with thoughts
11/27/16	1.2	Continue researching and drafting reply on MSJ and opp to discovery on MSJ
11/28/16	1.1	Call w/ co-counsel and opposing counsel per magistrate judge's recommendation re: protective order and class certification
11/28/16	0.4	Review and revise class cert and MSJ discovery opposition comments from AA; combine drafts and edit in response to comments
11/29/16	0.2	Call w/ GS, SL, AA, and CD re: plan for filing all opposition and reply briefs

11/29/16	2.7	Research and draft sections clarifying class definition
		Receive and review AA comments to draft motion, review and revise motion for discovery, conduct
11/29/16	3.5	related research, generally follow threads from AA comments
11/29/16	1.0	Disaggregate class cert sections from discovery opp and draft reply on class cert
11/30/16	0.3	Receive and review reply on MSJ; recirculate with comments
11/30/16	0.4	Receive and review comments on class cert reply; revise accordingly; circulate
11/30/16	0.8	Receive and review comments on discovery opposition; revise accordingly; recirculate
12/1/16	0.3	Review final edits to class cert and discovery opposition
12/1/16	0.7	Receive and review draft of opposition to pseudonymity motion
12/7/16	0.2	Receive and review revised protective order
12/7/16	0.2	Receive and review response to supplemental authority
12/9/16	0.4	Receive and review Ds' reply on discovery motion
12/22/16	0.4	Call w/ team re: protective order, Alexis' availability, etc.
6/2/17	0.3	Receive and review court orders on pseudonymity, class cert, and summary judgment
6/2/17	0.2	Emails with co-counsel re: ruling and scheduling call re: next steps
6/4/17	0.5	Call w. team re: discovery planning, protective order
6/12/17	0.3	Call w/ team and opposing counsel re protective order and case management
6/28/17	0.1	Receive and review changes to protective order from opposing counsel
6/29/17	0.4	Call w/ AA about staffing and strategy moving forward
6/29/17	0.4	Call w/ GS about protective order and discovery plan
6/29/17	0.4	Call w/ GS and JH re: discovery and protective order
7/5/17	1.1	Begin outlining and drafting first set of RFPs and RFAs
7/10/17	2.9	Draft RFAs and conduct related research on state sodomy laws across the country
7/11/17	1.9	Continue drafting RFAs, research out of state sodomy laws
7/11/17	1.1	Brainstorming draft of interrogatories
7/12/17	0.3	Receive and review Rule 16 order; calculate deadlines; email co-counsel re: same
7/13/17	0.7	Call w. team re: case management planning, potential discovery plans, expert witnesses
7/13/17	1.2	Draft, review, and revise first draft of Hill RFPs and Roggs
7/14/17	0.7	Edit and revise RFAs to Hill
7/16/17	1.3	Edit and draft additional RFAs, Roggs, and RFPs; circulate to team
7/20/17	0.3	Conference call w/ GS and JH re: case management, discovery plan, and other matters
7/20/17	0.4	Draft proposed case management order; send to co-counsel with thoughts on schedule
7/25/17	0.4	Planning call for Rule 26 conference w/ GS

7/25/17	1.0	Rule 26 conference w/ opposing counsel, GS and CD
8/13/17	0.4	Prep initial disclosures
8/13/17	0.2	Email to team re: discovery plan, initial disclosures, coverage
8/15/17	0.5	Initial scheduling conference with Judge Ball
8/15/17	0.2	Follow up call with GS re: discovery plan and deadlines
9/7/17	1.1	Call w/. Team re: discovery planning and amendment
9/8/17	1.6	Review and revise discovery based on comments and call; recirculate
9/8/17	0.2	Receive and review Defendants' initial disclosures
9/12/17	0.4	Receive and review potential amendments to complaint; correspond with team re same
9/13/17	1.0	Call w/ team re: amendment
9/13/17	2.6	Research and correspondence w/ team re: amendment
9/21/17	0.5	Call w/ Miriam Auckerman at ACLU of Michigan re: ex post facto claims
9/22/17	0.3	Receive and review stipulated statement of facts from ACLU in Doe v Snyder in consideration of ex post fac to claim
9/25/17	0.4	Email to counsel re: conversation with ACLU of Michigan and additional research on ex post facto claim
10/4/17	0.7	Call w/ GS and JH re: amendment and potential additional claims
10/26/17	0.2	Call w/ PB re: state's upcoming discovery responses
10/26/17	0.2	Emails with team re: state's discovery call
11/3/17	0.6	Receive and initial review Ds' responses to roggs, RFAs, and RFPs, as well as document production
11/6/17	1.1	Call w GS, CD, and JH re: discovery responses, potential witnesses, further discovery requests, and expert witnesses
11/13/17	0.5	Receive and review GS's comments on second round of discovery; finalize
11/16/17	0.4	Call w/ GS and SK re: responses to discovery, reviewing Ds' production, and expert disclosure deadline
11/25/17	1.4	First draft response to Ds' RFA
11/25/17	0.9	First draft response to Ds' RFPs
11/25/17	0.7	First draft response to Ds' interrogatories
11/30/17	0.7	Call w/ potential class member
11/30/17	0.2	Email to team re: potential class member and potential next steps
12/5/17	1.8	Review SL's chart of D's production, review production and make notes on individual potential class members (appx 75 people); email to team re: same

12/6/17	0.3	Draft expert disclosure, review expert report
12/7/17	1.0	Weekly call w/ team (responses to discovery, discovery planning generally)
12/11/17	0.6	Revise discovery responses based on call and comments
12/11/17	2.0	Continue review of production and chart to determine who is in class (went through approximately 60 people's documents)
12/13/17	3.7	Finish review of the production (another 100+ people's documents), revised chart of potential class members, drafted notes on entire production into memo
12/13/17	0.2	Drafted privilege log for new production
12/13/17	0.3	Reviewed discovery drafts, noted what still needed to be done
12/13/17	0.4	Composed lengthy email on status of discovery responses, review of production, and other matter for tomorrow's weekly call
12/14/17	1.2	Call w/ team re: potential class members; review document production; discuss discovery responses
12/15/17	0.2	Review of documents in prep for call
12/15/17	0.6	Call w/ GS and SL re: potential class members and review of document production; finalized list of class members
12/15/17	1.1	Classify each potential class member based on whether their convictions were only for UI/equivalent or whether they have other registerable offenses for response to Rogg #13
12/21/17	0.6	Finalize Ps' answers to Roggs and RFAs to serve tomorrow
12/22/17	0.5	Finalize Ps' answers to RFPs and document production
1/7/18	1.8	Review discovery and draft memo to team about potential witnesses to depose
1/8/18	0.7	Call w/ team discussing witnesses and deposition plan and timing
1/17/18	0.4	Call w/ OC and team re: deposition scheduling
1/25/18	0.5	Call w/ team re: depositions and dispositive motions
2/1/18	0.2	Call w/ team re new discovery requests, trial setting order, and update on deposition scheduling
2/6/18	0.2	Review new set of discovery demands drafted by CCR
2/10/18	0.9	Receive and review draft settlement statement; revise and recirculate
2/12/18	0.4	Call w/ GS re: revised discovery responses, other issues in advance of discovery deadline; deposition and settlement conference logistics
2/14/18	0.9	Call re: settlement conference statement, deposition and other discovery issues
2/14/18	0.2	Finalize and draft cover letter for supplemental discovery responses
2/20/18	7	Travel to Jackson, MS for settlement conference and depositions

2/20/18	0.3	Receive and review supplemental production from defendants
2/21/18	5.5	Attend Hill deposition
2/22/18	5.9	Attend settlement conference
		Email to team re: asking state for list of people they are willing to settle out with UI convictions; email to
2/23/18	0.2	OC re same
2/24/18	7.2	Travel from Jackson from settlement conference and depositions
2/26/18	0.8	Call w/ team re: class certification approach, further settlement negotiations, timing, and strategy
2/26/18	0.8	Call w/ OC and team re: settlement of CANS plaintiffs and potential further settlement
2/27/18	0.2	Compile notes from call with state; draft chart of each class member and the state's position on each
2/27/18	0.4	Research on situation of class member Wendall Gover
2/27/18	0.1	Email to team re: Wendall Gover; possibility of obtaining relief for him
2/28/18	0.3	Status conference with Judge Ball
2/28/18	0.1	Continue to email with team re: Wendall Gover's conviction
	234.1	44.40

Exhibit B

<u>Date</u>	<u>Hours</u>	<u>Description</u>
2/3/20	1.70	Research prevailing market rates in Jackson; draft and circulate memo to SK
6/4/20	0.60	Call w/ team re: fee proposal
12/7/20	0.40	Draft and send letter to PB proposing fee settlement
1/5/21	0.10	Follow up email to PB re: fee proposal and settlement
1/20/21	0.30	Compile timesheet for PB review at his request; circulate same to PB
2/17/21	0.10	Follow up email to PB re: fee proposal and settlement; receive email saying state will get back to us soon
3/17/21	0.10	Another follow up email to PB re: fee proposal, settlement, and silence from the state
3/24/21	0.10	Yet another follow up email to PB re: fee proposal and silence from the state
4/6/21	0.10	Receive and review email from RD re: call w/ PB; state will respond within a week
5/11/21	1.50	Review file, outline fee motion
5/22/21	3.80	Research and drafting fee motion
5/24/21	4.00	Continue researching and drafting fee motion
7/21/21	0.20	Call w. SK re: status of CCR's declaration and timing for fee motion
7/22/21	0.40	Draft Carol Sobel declaration ISO fee motion
7/25/21	0.20	Email to CS re: request for fee motion support declaration
7/21/21	0.10	Email to RM re: need for local MS attorney declaration for out of district rates
7/27/21	0.40	Draft Cliff Johnson Declaration
8/11/21	0.10	Follow up with Johnson re: declaration
8/11/21	0.20	Series of emails with Carol Sobel re: fee declaration
11/30/21	1.10	Receive and review CCR declaration and supporting exhibits from SK; correspond w/ SK re same; revise fee motion based on same
12/1/21	1.90	Revise and update fee motion
	<u>17.40</u>	

CERTIFICATE OF SERVICE

This is to certify that on this day I, Matthew Strugar, Counsel for Plaintiffs, electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notice of such filing to the following:

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ATTORNEY FOR DEFENDANTS

THIS, the 10th day of December, 2021.

/s/Matthew Strugar
Matthew Strugar