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Case 2:20-cv-02291-DOC-KES

Dated: August 4, 2025

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to this Court's June 24, Order Granting in Part and Denying in Part Plaintiffs' Request for Sanctions, <u>Dkt. 991</u>, Intervenors move for an award of fees and costs incurred because of the City's misconduct. As outlined in the accompanying brief and declarations and support thereof, Intervenors were harmed by the City's conduct and seek fees and costs incurred as a result of that harm.

Plaintiffs' motion is based on this Notice of Motion, the complete files and records in this action, the Memorandum of Points and Authorities, supporting declarations and exhibits filed and served concurrently herewith, and on any oral argument to be made at any hearing on the motion.

Respectfully submitted,

LEGAL AID FOUNDATION OF LOS ANGELES

/s/ Shayla Myers

Shayla Myers

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INTRODUCTION

Pursuant to this Court's June 24, 2025 Order Granting in Part and Denying in Part Plaintiffs' Motions for Settlement Compliance, Dkt. 991 ("Sanctions Order"), Intervenors Los Angeles Community Action Network and LA Catholic Worker seek an award of attorneys fees and costs incurred as a result of the misconduct outlined in Court's order.

As the record in this litigation illustrates, Intervenors have been an active participant in this litigation since this Court granted their ex parte application to intervene before the first hearing in March 2020. Dkt. 29; Sanctions Order. Intervenors have participated in every hearing over the past five years. And although Plaintiffs and the City excluded Intervenors from settlement negotiations that resulted in the Order Approving Stipulated Dismissal and Proposed Settlement, Dkt. 445 (Settlement Order), at the center of this sanctions fight, intervenors participated in the Court's approval process and have been equally involved in the lengthy post-settlement compliance period. As a result of Intervenors' constant participation in the case there has been an active voice for unhoused residents at every hearing. They have raised concerns and objections that have shaped the litigation and settlement compliance, including most significantly as of late, during the evidentiary hearing held by this Court from May 27 to June 4, 2025.

Counsel for Intervenors have conservatively spent more than 2,000 hours participating in this litigation. At the blended rate sought by the LA Alliance and paid by the City to its outside counsel, Gibson Dunn and Crutcher, that is over \$2.5 million in uncompensated time. To date, Intervenors have not sought attorneys' fees or costs, even though their intervention in the lawsuit was originally in part to defend a settlement agreement between Intervenors and the City that arose under 42 U.S.C. Section 1983 and specifically protected unhoused people's rights in Skid Row. Dkt. 1, ¶¶ 168, 186; Dkt. 29 at 3. The rights protected by that settlement, and the rights Intervenors have sought to protect by their intervention in this case stem from the U.S.

and California Constitutions. See Dkt. 25 at 8; 29 at 4, n. 1; see Seattle Sch. Dist. No. 1 v. State of Wash., 633 F.2d 1338, 1350 (9th Cir. 1980), aff'd sub nom. Washington v. Seattle Sch. Dist. No. 1, 458 U.S. 457 (1982).

In this instance, however, in light of the City's violation of the prior Courts' orders, the extraordinary and unanticipated drain on resources caused by the seven day evidentiary hearing in which Intervenors were an active and necessary participant, and the Court's reliance on Intervenors' evidence and arguments to issue sanctions, Intervenors now seek approximately \$200,000 in fees and costs. *See* Myers Dec. ¶ 11-13, Exh. A-C.² These fees and costs compensate Intervenors for the time spent participating in the evidentiary hearing, responding to briefs, and filing these motions. The fees were incurred only because of the City's violations of this Court's June 14, 2022 Settlement Order and therefore serve to compensate Intervenors for the harm caused by those violations.

Compared to the fees sought by the LA Alliance, <u>Dkt. 1051</u> and the fees paid by the City to its own counsel to defend against the sanctions, <u>Dkt. 1051-1</u>, ¶ 10, Exh. E, Intervenors' fees are a bargain, especially compared to Intervenors' outsized contributions at the hearing. Intervenors developed a significant amount of evidence cited by the LA Alliance in its briefs. And more importantly, the same is true for the Court's June 24, 2025 which relied on much of Intervenors' evidence as well as arguments they advanced during the hearing and in their brief. *See e.g.*, Sanctions Order at 26, 37, 45-46, 52-54. In fact, much of what the Court ordered is the relief Intervenors requested. *See <u>Dkt. 985 29</u>* (interpreting the definition of "create" to align

¹ Although the Court already found sanctions are justified under its inherent authority, Intervenors join LA Alliance's argument that fees may also be awarded under 42 U.S. C. Section 1988. To the extent the Court finds an award of attorneys fees warranted

C. Section 1988. To the extent the Court finds an award of attorneys fees warranted under Section 1988, Intervenors would also be entitled to fees for the reasons articulated in *Seattle School Dist. No. 1*, 633 F.2d at 1350.

² Intervenors also intend to see fees related to the Reply brief and any hearing associated with this motion, and will supplement the requested fees along with the Reply.

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ARGUMENT II.

> The Payment of Intervenors' Attorneys Fees Incurred as a Result of A. Its Bad Faith Conduct is an Appropriate Sanction

As this Court highlighted in its June 24, 2025 Sanctions Order, the Court has "inherent powers, not conferred by rule or statute, to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." Goodyear, 581 U.S. at 107; see also Chambers v. NASCO, Inc., 501 U.S. 32, 44-45 (1991) (highlighting the historic

with the City's prior representations, increased monitoring and transparency, and to

going back to when the Encampment Resolution Plan was initially disclosed, including meeting with the auditors from A&M and reviewing and actively participating in hearings related to the scope of work, progress, and finally draft of the audit. See e.g., Dkt. 768 (August 29, 2024) 36:04-42:23), Dkt. 828, Tr. (November 21, 2024) 105:25-107:12; Dkt. 850, Tr. (January 7, 2025) 71:23-72:10; Dkt. 878, Tr. (March 27, 2025) 84:17-88:05; Myers Dec. ¶ 16. However, Intervenors seek fees starting only from the beginning of the evidentiary hearing. The fees and costs sought therefore include only 1) the evidentiary hearing; 2) Intervenors' brief in support of sanctions; and 3) this fees motion and anticipated reply. By seeking only fees directly related to the hearing and subsequent briefing, the amount sought is well below the amount that would compensate Intervenors for the work actually undertaken to combat the City's violations of the Court's order. See Goodyear Tire & Rubber Co. v. Haeger, 581 U.S. 101, 107 (2017). And as such, it is well within the Court's "inherent authority" to grant these fees as a compensatory sanction, because the City's conduct is unquestionably the proximate cause of incurring these fees. Moreover, the fees sought for the hearing and subsequent briefing are exceptionally reasonable, in fact extremely low, compared to the fees sought or paid by the other parties in the litigation for the same amount of time and the same caliber of performance.

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grounds for awarding attorneys fees—all of which are applicable here). Among the sanctions a Court has the inherent authority to issue is "an order . . . instructing a party that has acted in bad faith to reimburse legal fees and costs incurred by the other side." Goodyear, 581 U.S. at 107 (internal quotation marks omitted). Id. This Court's inherent authority easily includes granting fees to Intervenors, who participated in the hearing pursuant to an order by this Court, allowing the Intervenors to conduct examination in the matter. Dkt. 947, Tr. (May 27, 2025), 16:6-15. This ruling expanded on the Court's prior ruling related to the LA Alliance's enforcement of the Roadmap agreement, to which the City objected. Neither party objected to the Court's ruling. Id. Intervenors were from that point an active and necessary party in the sanctions hearing.

Because the fees are awarded as sanctions, the standard for whether fees can properly be awarded for specific legal work in the course of litigation is whether the City's misconduct was the "but for" cause of that legal work. Goodyear, 581 U.S. at 107. Here, there is no dispute that the evidentiary hearing was caused by the City's misconduct, which resulted in the Court's Sanctions Order. But the incurring of attorneys fees is even more closely linked to the City's bad faith than simply its violation of the settlement agreement. The need for the evidentiary hearing stemmed directly from the City's intransigence related to providing transparency and accountability about its compliance with the Settlement Order. As the Court has already pointed out, "the City's refusal to provide updated plans, meet its milestones, correct its encampment reduction numbers, and verify its reporting has unnecessarily and unfairly wasted the resources of the Parties and the Court." Sanctions Order at 57. Specifically, the evidentiary hearing was required because the City refused to verify information related to its compliance with the terms of the Settlement Order, despite concerns raised by every other third party tasked with recreating the City's verification of its own compliance. Id. The City had ample opportunity to avoid the need for an evidentiary hearing, simply by providing A&M, the Special Master, and the Court with data sufficient to verify its purported compliance. When it refused to do so, it caused Intervenors, Plaintiffs, the Special

Master, and the Court to spend seven court days developing a record about the City's failure to verify the beds, rather than simply examining the City's data the City relies on

when it purportedly verifies the existence of the beds.

Likewise, the City could have avoided the need for an evidentiary hearing to develop the record related to whether and how the City was actually "bringing new beds into existence" when it reported that it had created shelter and housing opportunities pursuant to the agreement. *See* Sanctions Order at 45-46. Intervenors raised this issue repeatedly, and in response to Intervenors' response, "what was the City's contribution to the creation of that housing that allowed it to be counted toward the bed count," Dkt. 768, Tr. (August 29, 2024) 89:23-25, counsel for the City responded that while "can't tell...as I sit here this moment exactly what the contribution was to each bed. I'm happy to look into that further" and promised to look into it. Dkt. 768, Tr. (August 29, 2024) 90:2-5, 13-17. Yet when Intervenors' counsel followed up a month later, the City provided a non-committal response and then ignored subsequent communications. Myers Dec. ¶ 19, Exh. E. The the City's unwillingness to provide transparency and accountability led to the need for the parties and the Court (to say nothing of City taxpayers) to expend significant resources to uncover the deficiencies int the City's performance.

Finally, and most relevant to Intervenors' concerns in the litigation, the parties spent days litigating the definition of "encampment resolution," even though the Court had already ruled that "encampment resolution" did not mean the City could simply count the tents and makeshift encampments it discarded and the RVs it towed away towards its Encampment Resolution goals. Dkt. 874 at 2. Instead, the Court ruled that the settlement required the City to offer an unhoused person shelter for it to count towards the City's Encampment Reduction numbers. *Id.* The City had taken the former position in the first year of reporting related to the Encampment Resolution Plan. After Plaintiffs raised the issue and Intervenors lent support to their position, the Court rejected the City's interpretation of the Settlement Agreement in favor of Plaintiffs' and

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27 28 Intervenors' interpretation. Mediating disputes between the parties about the interpretation of this specific provision was a task the Parties specifically requested the Court undertake when it sought approval of the Settlement Agreement. Dkt. 445, 429-01, Section 5.2 ("[T]he parties will consult with the Court for resolution, if necessary" of "any concerns or disputes" about the plans). Yet instead of accepting the Court's clarification, the City continued to rely on its own definition of "encampment resolutions" for purposes of reporting. The Court found that the City's continued use of the incorrect definition in its reporting violated the Settlement Approval Order and the Court's order clarifying the interpretation of the agreement. "The City's attempt to unilaterally change its definition of encampment reduction ignores its past conduct and promises, the Court's prior Order, and the plain meaning of the Settlement Agreement." Sanctions Order at 51. The City's decision to ignore the Court prior order and continue to report under the prior definition was the "but for" cause of much of the work during the hearing. This is especially true for Intervenors, who joined the case specifically to ensure that unhoused people were not criminalized and subject to increased enforcement as a result of this litigation. See Dkt. 29.

This Court has already found that the evidentiary hearing was required because the City refused to substantiate its data and abide by the Court's earlier ruling interpreting the agreement. Intervenors were harmed by the loss of attorney time and resources that could have been expended in other ways far more beneficial to its members than having to ensure the City complied with the Court's Settlement Order. The need to participate in the hearing was especially disruptive to Intervenors' counsel, who did not have notice that they would be an active participant, and therefore, it was incredibly challenging to accommodate the demands placed on Intervenors' counsel in such a short order.

Attorneys for Intervenors had to put other work on hold to participate in the hearing. Myers Dec. ¶¶ 14-15. The attorneys representing Intervenors work on issues related to criminalization of homelessness, and during the time allotted for the hearing,

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27 28 they could not advance affirmative litigation intended to vindicate Intervenors' rights or the rights of their members. Id. Nor could their lawyers advance affirmative litigation brought to vindicate other clients' rights. Id. Likewise, while attorneys were in court, they were not representing unhoused residents facing termination from shelters or providing know your rights materials to unhoused shelter residents. *Id.* They could not participate in community meetings or advance legal research aimed at addressing larger issues impacting unhoused residents, including Intervenors and their members. Id.

Legal services attorneys who provide legal services to low income residents are a finite resource, Myers Dec. ¶ 18, Exh. D, and tying up an entire litigation team to spend seven days in an evidentiary hearing that "could have been avoided if the City had simply substantiated its own reports." Sanctions Order at 58, harms the Intervenors and their lawyers. Myers Dec. ¶¶ 14-15. As such, they are entitled to the award of the reasonable attorneys fees incurred as a result of the City's misconduct, to compensate them for that harm. Goodyear, 81 U.S.at 107.

The Amount of Fees are Extremely Reasonable, Especially Given В. **Intervenors' Role in the Enforcement Proceedings**

Intervenors seek \$201,182.50 in fees and \$160.00 in costs incurred as a result of the City's bad faith conduct. The fees are based on a lodestar calculation of "multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate." Davis v. City and Cnty. of San Francisco, 976 F.2d 1536, 1545–46 (9th Cir. 1992) (cleaned up) vacated in part on other grounds by Davis v. City and Cnty of San Francisco, 984 F.2d 345. The "lodestar approach has achieved dominance in the federal courts" and is "the guiding light of [the Supreme Court's] feeshifting jurisprudence." Perdue v. Kenny A. ex rel. Winn., 559 U.S. 542, 551 (2010). See also Jordan v. Multnomah Cnty., 815 F.2d 1258, 1262 (9th Cir. 1987) (there is still a "[a] strong presumption . . . that the lodestar figure represents a 'reasonable' fee"). Likewise, the lodestar is an appropriate approach when determining the amount of fees to award in response to a sanctions award. Emerson v. Dart, 900 F.3d 469, 473 (7th Cir.

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2018) (approving of a district court's calculation of sanctions using the lodestar); see also Eldredge v. EDCare Management, Inc., 766 Fed.Appx. 901 (11th Cir. 2019) (applying lodestar calculation for determination of the amount of fees to award as sanctions).

As outlined below, Intervenors' requested fee award is based on a reasonable number of hours, multiplied by a reasonable rate, which this Court should award.

The amount of hours spent by Intervenors' counsel is extremely 1. reasonable

First, the number of hours the City caused Intervenors to expend by its conduct and for which the Intervenors seek compensation is slightly less than 250 hours of billable time, a remarkably low number of hours given the amount of work that was required of Intervenors' counsel in a very short amount of time. Intervenors fully participated in a seven day evidentiary hearing that ran 8-10 hours per day for the length of the hearing, conducting examinations of nearly every witness, including long examinations of key witnesses that resulted in the development of an evidentiary record that supports this Court's Sanctions Order. They also submitted a nearly 40 page posthearing brief, marshalling that evidence and advancing arguments that were ultimately relied on by the Court to issue sanctions against the City. Dkt. 985. And they have prepared and are submitting this request for fees.

Intervenors were staffed by only one Senior Litigator who handled all aspects of the hearing, questioned each witness, presented a closing argument, and was primarily responsible for drafting Intervenors' post-hearing brief and this motion; one junior attorney who assisted with the limited hearing preparation that was possible and drafting of the two briefs; and a paralegal and law clerk who assisted with the day-today matters during the hearing. This is less even than the LA Alliance, which staffed the case with four attorneys, and significantly less than the City of Los Angeles, which staffed the case with no less than seven attorneys from an outside firm and two to four attorneys from the City Attorney's office.

Intervenors nonetheless exercised billing judgment, Myers Dec. ¶ 9, primarily by

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seeking fees only related to the evidentiary hearing and related briefs, but none of the related proceedings or preparation that contributed to Intervenors' ability to participate at the last minute in the hearing. Intervenors also do not seek compensation from any of the other co-counsel representing the Intervenors who consulted but did not staff the hearing; other LAFLA attorneys and staff who consulted on the case during the hearing, including lead counsel for litigation related to the Venice Dell affordable housing project; and counsel responsible for the enforcement of the Wiggins Settlement, which preserves affordable housing in Skid Row through 2032. Finally, Intervenors exercised billing discretion by not billing for paralegal work performed by the litigation attorneys who worked through the night to prepare for the evidentiary hearing.

2. Intervenors' rates are reasonable

Here, Plaintiffs' requested fee award is based on a "reasonable hourly rate" consistent with the prevailing market rate. *Jordan*, 815 F.2d at 1262. "Reasonable fees are calculated according to the prevailing market rates in the relevant community . . . with close attention paid to the fees charged by lawyers of reasonably comparable skill, experience, and reputation." *Davis*, 984 F.2d at 1545-46. For purposes of determining the reasonable rate based on the prevailing rates charged in the community, "it is irrelevant if the party seeking fees "is represented by private or nonprofit counsel." *Blum v. Stenson*, 465 U.S. 886, 897 (1984).

Here, the rates sought by Intervenors are extremely reasonable. Intervenors do not seek a blended rate, but instead, seek billing rates for the two attorneys who worked on the case that are well within the range of rates awarded by courts for legal work in complex civil rights cases and well below the billing rates of attorneys at large area law firms. *See* Declaration of Carol Sobel ¶¶ 31, 33-42, Exh. 1-7, *see also* 1015-1, ¶ 11, Ex. F. Specifically, Intervenors seek an hourly rate of \$1025 for Ms. Myers and an hourly

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rate of \$600 for Ms. Geczy. These rates are less than the "discounted" blended rate for the City of Los Angeles's outside counsel, Gibson Dunn and Crutcher. See Dkt. 1015-1, ¶ 10, Ex. E. In fact, the hourly rate for Intervenors' lead counsel is equal to or less than the standard hourly rate for a first or second year associate at their firm. *Id.* And the rate sought for Ms. Geczy is only slightly more than the billed rate for paralegals in this case. *Id*.

Lead Counsel Shayla Myers graduated Order of the Coif from UCLA Law School in 2008 with specializations in Critical Race Studies and Public Interest Law and Policy. Myers Dec. ¶¶ 2-4. She then clerked for the Honorable Sandra Ikuta on the United States Court of Appeals for the Ninth Circuit. Ms. Myers was awarded the Skadden Fellowship to provide legal services to homeless LGBTQ people in Hollywood. After working directly with unhoused clients for three years, she spent two years at a civil rights firm in Los Angeles litigating complex class actions and civil rights cases before joining the Legal Aid Foundation of Los Angeles. Ms. Myers has spent over a decade at LAFLA, leading significant housing and civil rights litigation on behalf of low income tenants and unhoused people. She is currently the Senior Attorney in the Unhoused People's Justice Project and oversees legal work on behalf of unhoused residents in Los Angeles, both through significant systemic litigation in both Federal and State Court and direct services to unhoused residents facing termination from interim housing programs and the seizure and destruction of their vehicles.

Ms. Myers is a recognized expert on homelessness and the legal issues facing unhoused residents and routinely is invited to speak on these topics. She also leads and participates in research on a number of substantive areas of law impacting unhoused residents, including as relevant here, the towing of RVs and vehicles, tenant rights in interim housing, and the use of Time-Limited Subsidies. She frequently serves as a guest lecturer at area law schools and the UCLA Geffen School of Medicine on the intersection of law and homelessness. In 2024, Ms. Myers was awarded the UCLA

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School of Law Margaret Levy Fellowship related to her work on criminalization of homelessness.

Isabelle Geczy is a 2022 UCLA School of Law graduate where she was Chief Articles Editor of the UCLA Law Review. Myers Dec. ¶ 5. She is currently a staff attorney in the Unhoused People's Justice Project at Legal Aid Foundation of Los Angeles. In addition to participating in systemic litigation on behalf of unhoused residents, Ms. Geczy directly represents unhoused residents in facing termination from interim housing programs and other services in Los Angeles. Prior to joining LAFLA, Ms. Geczy worked at a civil rights law firm and was the Pretrial Justice Fellow with the Criminal Justice Program at UCLA School of Law.

The Legal Aid Foundation of Los Angeles (LAFLA) is one of the largest public interest law firms in Los Angeles. Myers Dec. ¶¶ 6-9. For over 95 years, LAFLA has represented low income residents in a wide range of substantive areas of law and has deep expertise on the complexity of the legal issues facing low income communities, from civil rights to homelessness prevention, veterans benefits, immigration, and workers rights. The Unhoused People's Justice Project combats the criminalization of homelessness and advances the civil rights of unhoused people by bringing complex civil rights litigation in state and federal court, as well as providing direct representation to unhoused residents in shelters and living in their vehicles. UPJP provides some of the only dedicated legal services in Los Angeles to unhoused residents in shelters and other interim housing programs, which are designed to disrupt the cycle that moves people from the streets to the shelter and back onto the streets, a cycle that exacerbates the homelessness crisis in Los Angeles.

LAFLA has one of the largest and oldest and largest legal programs addressing housing justice. Nearly one half of the Foundation's staff are dedicated to preventing homelessness by representing low income tenants through eviction proceedings. That work has been a cornerstone of LAFLA's work in the community since the founding of the Eviction Defense Center in the 1980s. Housing justice attorneys also focus on

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housing preservation, including representing the Los Angeles Community Action Network in enforcing a settlement that has preserved affordable housing in Skid Row for decades.

In addition to housing justice, attorneys at LAFLA are experts in veterans' benefits, language access, immigration law, government benefits, reentry, and domestic violence, all of which impact unhoused residents and intersect with issues at stake in this litigation. Attorneys at the Legal Aid Foundation have engaged in significant systemic litigation across substantive areas impacting low-income members of the community, including litigating the lead cases related to Welfare and Institutions Code Section 17000, upon which the LA Alliance litigation was built. All of this substantive expertise across LAFLA made it possible for Intervenors' counsel to participate in the evidentiary hearing with no time to prepare.

Intervenors do not seek a multiplier for their fees, but certainly the facts and circumstances of Intervenors' participation would justify one here. See Parsons v. Ryan, 949 F.3d 443, 466 n. 14 (9th Cir. 2020); Kelly v. Wengler, 822 F.3d 1085, 1100 (9th Cir. 2016). The substantive expertise of Intervenors' counsel and their law firm was reflected throughout the hearing, from eliciting testimony from the City's witnesses about Inside Safe Program, CARE+ Operations, Time-Limited Subsidies, and specific housing developments and projects to identifying compliance issues that, because of the City's lack of transparency, had not previously been disclosed. See e.g., Sanctions Order at 45. Intervenors' counsel did so with no time to prepare and only a fraction of the attorneys and legal support (and therefore legal fees) of the City's outside counsel. Intervenors succeeded in the arguments they advanced, resulting in an order issuing much of the relief they sought, including more transparency in reporting, a clarification of the definition of "create," and a confirmation that "encampment reductions" means more than a Court-mandated quota for discarding people's property and instead may result in more people in shelters.

III. CONCLUSION

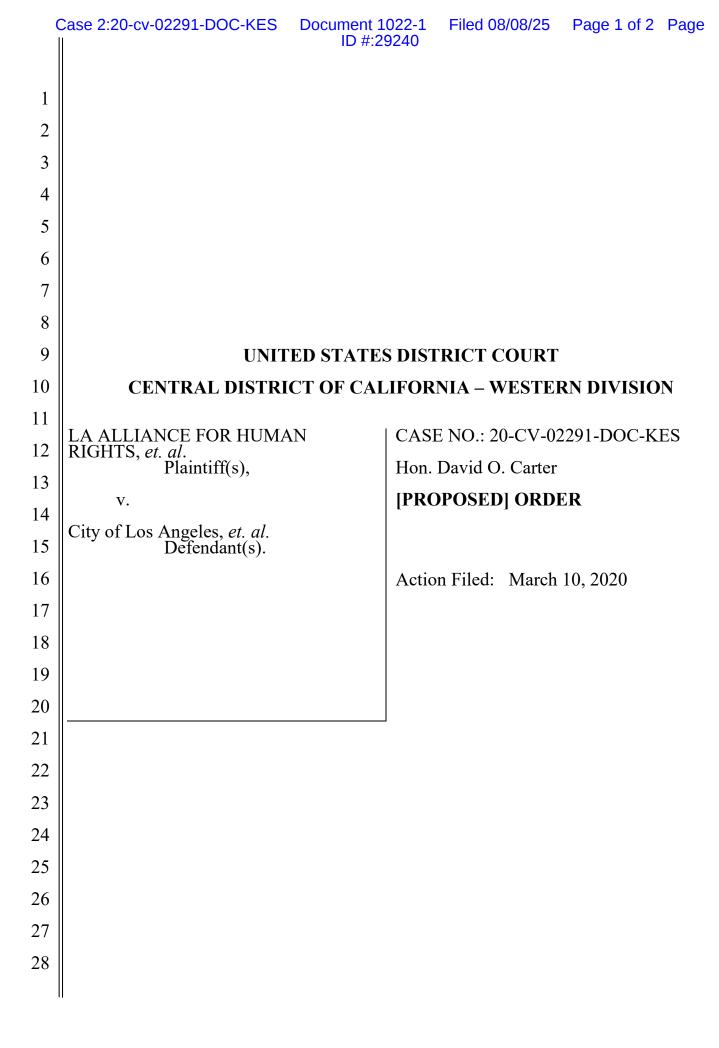
For the foregoing reasons, Intervenors request this Court grant Intervenors' request for fees and costs and award the requested amount of fees incurred during Intervenors' participation in the evidentiary briefing, the subsequent post-hearing briefing, and briefing on fees (including the fees sought to reply to the City's anticipated opposition and any hearings that may be required).

Dated: August 8, 2025 Respectfully submitted,

LEGAL AID FOUNDATION OF LOS ANGELES

/s/ Shayla Myers

Attorneys for Intervenors



The Court finds that Intervenors were harmed by the City's misconduct and that the

and that the following number of hours billed and the rates sought are reasonable:

[PROPOSED] ORDER

Intervenors incurred attorneys' fees and costs as a result. The Court finds that Intervenors incurred the following additional fees as a result of the City's misconduct,

DATED:

Biller	Graduation	Rate	Total Hours	Total Amount
	Year		Billed	of Fees
				Awarded
Shayla Myers	2008	\$1,025.00		
Isabelle Geczy	2022	\$600.00		
Litzy Bautista		\$275.00		
Law Clerks		\$250.00		
Total				

The Court also finds that Intervenors' request for costs in the amount of \$160.00 is reasonable and were incurred as a result of the City's misconduct.

Therefore, pursuant to the Court's inherent authority, this Court awards compensatory fees and costs in the amount of \$

IT IS SO ORDERED.

Hon. David O. Carter

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DECLARATION OF SHAYLA MYERS

- 1. My name is Shayla Myers. I have personal knowledge of the facts contained in this declaration, and if called to testify, I could and would testify competently as to the truth of the facts in this declaration.
- I graduated Order of the Coif from UCLA School of Law in 2008 with 2. specializations in Critical Race Studies and Public Interest Law and Policy. I then clerked for the Honorable Sandra Ikuta on the United States Court of Appeals for the Ninth Circuit. After clerking, I was awarded the Skadden Fellowship to provide legal services to homeless LGBTQ people in Hollywood. I worked directly with unhoused youth and adults on a wide variety of legal issues and worked with a number of service providers in and around Hollywood.
- 3. After working directly with unhoused clients for three years, I spent two years at a civil rights firm in Los Angeles litigating complex class actions and civil rights cases. I joined the Legal Aid Foundation of Los Angeles in 2014. During my time at LAFLA, I have litigated and now lead significant housing and civil rights litigation on behalf of low income tenants and unhoused people in both state and federal court. In 2023, LAFLA expanded its impact to protect the rights of unhoused people by creating the Unhoused People's Justice Project. I am currently the Senior Attorney and oversee legal work on behalf of unhoused residents in Los Angeles, both through significant systemic litigation and direct services to unhoused residents facing termination from interim housing programs and the seizure and destruction of their vehicles.
- 4. In addition to representing unhoused people and community organizations working with and on behalf of unhoused residents, I work on policy issues related to homelessness. I am routinely asked to speak as an expert on the legal issues facing unhoused residents, including at national conferences and in the media. I lead and participate in research on a number of substantive areas of law impacting unhoused residents, including as relevant here, the towing of RVs and vehicles, tenant rights in interim housing, and the use of Time-Limited Subsidies. I frequently serve as a guest

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27 28 lecturer at area law schools and the UCLA Geffen School of Medicine on the intersection of law and homelessness. I was awarded the UCLA School of Law Margaret Levy Fellowship related to my work on criminalization of homelessness.

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ID #:29245

- My colleague, Isabelle Geczy, is a 2022 UCLA School of Law graduate where she was Chief Articles Editor of the UCLA Law Review. She is currently a staff attorney in the Unhoused People's Justice Project at Legal Aid Foundation of Los Angeles. In addition to participating in systemic litigation on behalf of unhoused residents, Ms. Geczy directly represents unhoused residents in facing termination from interim housing programs and other services in Los Angeles. Prior to joining LAFLA, Ms. Geczy worked at a civil rights law firm and was the Pretrial Justice Fellow with the Criminal Justice Program at UCLA School of Law.
- The Legal Aid Foundation of Los Angeles (LAFLA) is one of the largest public interest law firms in Los Angeles. For over 95 years, LAFLA has represented low income residents in a wide range of substantive areas of law and has deep expertise on the complexity of the legal issues facing low income communities, from civil rights to homelessness prevention, veterans benefits, immigration, and workers rights. Attached as Exhibit D is a true and correct copy of our 2024 Annual Report.
- The Unhoused People's Justice Project combats the criminalization of 7. homelessness and advances the civil rights of unhoused people by bringing complex civil rights litigation in state and federal court, as well as providing direct representation to unhoused residents in shelters and living in their vehicles. UPJP provides some of the only dedicated legal services in Los Angeles to unhoused residents in shelters and other interim housing programs, which are designed to disrupt the cycle that moves people from the streets to the shelter and back onto the streets, a cycle that exacerbates the homelessness crisis in Los Angeles.
- LAFLA has one of the largest and oldest and largest legal programs 8. addressing housing justice. Nearly one half of the Foundation's staff are dedicated to preventing homelessness by representing low income tenants through eviction

- proceedings. That work has been a cornerstone of LAFLA's work in the community since the founding of the Eviction Defense Center in the 1980s. Housing justice attorneys also focus on housing preservation, including representing the Los Angeles Community Action Network in enforcing a settlement that has preserved affordable housing in Skid Row for decades.
- 9. In addition to housing justice, attorneys at LAFLA are experts in veterans' benefits, language access, immigration law, government benefits, reentry, and domestic violence, all of which impact unhoused residents and intersect with issues at stake in this litigation. Attorneys at the Legal Aid Foundation have engaged in significant systemic litigation across substantive areas impacting low-income members of the community, including litigating the lead cases related to Welfare and Institutions Code Section 17000, upon which the LA Alliance litigation was built. All of this substantive expertise across LAFLA made it possible for Intervenors' counsel to participate in the evidentiary hearing with no time to prepare.
- 10. I have reviewed the fees submitted by the attorneys and staff billing on the case. In reviewing specific time, I exercised billing discretion with regards to the fees we are seeking. Specifically, Intervenors do not seek compensation from any of the other co-counsel representing the Intervenors who consulted but did not staff the hearing. I also omitted billing entries for other LAFLA attorneys and staff who consulted on the case during the hearing, including lead counsel for litigation related to the Venice Dell affordable housing project; and counsel responsible for the enforcement of the Wiggins Settlement, which preserves affordable housing in Skid Row through 2032. Finally, Intervenors exercised billing discretion by not billing for paralegal work performed by either attorneys on the case who worked through the night to prepare for the evidentiary hearing and submit the brief.
- 11. A true and correct summary of billing records in this matter related to 1) the evidentiary hearing; 2) the post-hearing briefing; and 3) this motion are attached as Exhibit A.

- 12. A true and correct spreadsheet reflecting the billing records of the Legal Aid Foundation of Los Angeles staff working on this matter for the relevant work listed above is attached as Exhibit B.
- 13. A true and correct spreadsheet listing costs associated with the hearing is attached as Exhibit C.
- 14. Participating in the hearing to the level our team was required to participate in order to represent Intervenors' interests in the hearing created a significant strain on our team. We had to forgo work in other matters and move litigation deadlines to accommodate the seven day hearing and subsequent briefing, including this briefing. The need to participate in the hearing delayed a significant filing in another matter. We also had to forgo participation in community meetings and work on research related to homelessness.
- 15. Participating in the hearing also disrupted my team's ability to provide direct legal representation and provide know your rights information to unhoused individuals residing in shelters, a project that developed after we launched the Unhoused People's Justice Project in 2023. It also disrupted our ability to provide legal representation to Intervenors on other legal issues they and their members face.
- 16. Over the course of the past five years, LAFLA has devoted significant resources to representing Intervenors in this matter. I have dedicated more than 1500 hours over the past five years to the litigation. I have actively participated in every stage of the litigation, including settlement enforcement proceedings going back to when the Encampment Resolution Plan was initially disclosed, meeting with the auditors from A&M, and reviewing and actively participating in hearings related to the scope of work, progress, and finally draft of the audit.
- 17. Other attorneys and support staff at LAFLA have likewise contributed more than 500 hours. The other attorneys on the case, Catherine Sweetser, Brooke Weisman, and Carol Sobel have likewise contributed hundreds of hours over five years to the case.

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EXHIBIT A

Table A. Summary of Intervenors' Requested Attorneys Fees and Rates

Biller	Graduation Year	Rate	Total Hours Billed	Total Amount of Fees Requested
Shayla Myers	2008	\$1,025.00	153.5	\$157,337.50
Isabelle Geczy	2022	\$600.00	56.7	\$34,020.00
Litzy Bautista		\$275.00	16	\$4,400.00
Law Clerks		\$250.00	21.7	\$5,425.00
Total			247.9	\$201,182.50

EXHIBIT B

Case 2:20-cv-02291-DOC-KES Document 1022-4 Filed 08/08/25 Page 2 of 5 Page Table B. Detailed Billing Records 180: Intervenors' Request for Fees and Costs

Date	Biller	Hours Billed	Activity Code	Litigation Work Type	Activity Details
5/27/2025	Myers, Shayla R.	7	HG - Court/Hearing	Motion for Sanctions	hearing on motion for sanctions
5/27/2025	Myers, Shayla R.		IC - Internal Communication	Motion for Sanctions	call with PW
5/27/2025	Myers, Shayla R.	4.2	PP - Plan/Prepare	Motion for Sanctions	post-hearing prep, evidence review
5/27/2025	Myers, Shayla R.	0.6	PP - Plan/Prepare	Motion for Sanctions	prep during lunch for hearing
5/27/2025	Myers, Shayla R.	0.2	IC - Internal Communication	Motion for Sanctions	call about evidentiary hearing
5/27/2025	Myers, Shayla R.	0.2	IC - Internal Communication	Motion for Sanctions	debrief and discussing next tasks after hearing with Allie
5/27/2025	Myers, Shayla R.	1	T - Travel	Motion for Sanctions	travel to courthouse and back
5/27/2025	Geczy, Isabelle	0.1	MT - Meeting	Motion for Sanctions	meeting with LB about binder assignment
5/27/2025	Geczy, Isabelle	2.6	PP - Plan/Prepare	Motion for Sanctions	send SRM needed documents during hearing
5/27/2025	Geczy, Isabelle	0.3	DR - Draft/Revise	Motion for Sanctions	compile for and send to SRM list of all subbed in attorneys in LA Alliance matter
5/27/2025	Geczy, Isabelle	0.2	MT - Meeting	Motion for Sanctions	call with SRM about evidentiary hearing
5/27/2025	Geczy, Isabelle	0.1	MT - Meeting	Motion for Sanctions	second meeting with LB about more binder help for evidentiary hearing
5/27/2025	Geczy, Isabelle	2.1	RA - Review/Analyze	Motion for Sanctions	review record as
5/27/2025	Geczy, Isabelle	4.2	PP - Plan/Prepare	Motion for Sanctions	prep SRM binders and court materials for evidentiary hearing
5/27/2025	Geczy, Isabelle	0.4	DR - Draft/Revise	Motion for Sanctions	create redline of audit for SRM on adobe
5/27/2025	Geczy, Isabelle	0.7	RA - Review/Analyze	Motion for Sanctions	locate reference to homeless count in the record
5/27/2025	Frank, Allegra	0.5	DI - Discovery/Fact Investigation	Motion for Sanctions	background research
5/27/2025	Frank, Allegra	0.2	MT - Meeting	Motion for Sanctions	debrief and discussing next tasks after hearing
5/27/2025	Frank, Allegra	0.5	DI - Discovery/Fact Investigation	Motion for Sanctions	summarizing fact research
5/27/2025	Bautista, Litzy	3.5	PP - Plan/Prepare	Motion for Sanctions	review exhibits and prepare trial binder of exhibits for SRM
5/27/2025	Bautista, Litzy	0.1	PP - Plan/Prepare	Motion for Sanctions	meeting with IG re binders for exhibits
5/27/2025	Bautista, Litzy	0.5	PP - Plan/Prepare	Motion for Sanctions	create binders for motion
5/27/2025	Bautista, Litzy	0.3	PP - Plan/Prepare	Motion for Sanctions	2025-05-24 Exhibits for LA Alliance Hearing
5/28/2025	Myers, Shayla R.	0.6	PP - Plan/Prepare	Motion for Sanctions	prep/meeting w/ client during lunch re hearing
5/28/2025	Myers, Shayla R.	8.2	HG - Court/Hearing	Motion for Sanctions	hearing on motion for sanctions
5/28/2025	Myers, Shayla R.	1.8	PP - Plan/Prepare	Motion for Sanctions	prepare for hearing
5/28/2025	Geczy, Isabelle	1.8	PP - Plan/Prepare	Motion for Sanctions	collect and send documents to shayla during evidentiary hearing
5/28/2025	Geczy, Isabelle	0.6	CA - Case Admin	Motion for Sanctions	create exhibits folder and collect necessary documents requested by SRM
5/28/2025	Geczy, Isabelle		HG - Court/Hearing	Motion for Sanctions	attend settlement hearing with SRM
5/29/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prepare for hearing
5/29/2025	Myers, Shayla R.		T - Travel	Motion for Sanctions	travel to hearing
5/29/2025	Myers, Shayla R.	77.77	HG - Court/Hearing	Motion for Sanctions	hearing
5/29/2025	Myers, Shayla R.		IC - Internal Communication	Motion for Sanctions	Discussing/editing research re witness
5/29/2025	Myers, Shayla R.	0.5	T - Travel	Motion for Sanctions	travel back from hearing
5/29/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prep during lunch for hearing
5/29/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prepare after hearing
5/29/2025	Geczy, Isabelle		PP - Plan/Prepare	Motion for Sanctions	located documents for SRM to support during evidentiary hearing
5/29/2025	Frank, Allegra	100000	DI - Discovery/Fact Investigation	Motion for Sanctions	researching witness
5/29/2025	Frank, Allegra		CO - Communication	Motion for Sanctions	Discussing/editing
5/30/2025	Myers, Shayla R.		T - Travel	Motion for Sanctions	travel to court
5/30/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prep for hearing
5/30/2025	Myers, Shayla R.		HG - Court/Hearing	Motion for Sanctions	hearing
5/30/2025	Myers, Shayla R.	0.3	IC - Internal Communication	Motion for Sanctions	meeting re
5/30/2025	Myers, Shayla R.		T - Travel	Motion for Sanctions	travel back from court
5/30/2025	Geczy, Isabelle		DR - Draft/Revise	Motion for Sanctions	compile
5/30/2025	Frank, Allegra		DI - Discovery/Fact Investigation	Motion for Sanctions	researching
5/30/2025	Frank, Allegra		MT - Meeting	Motion for Sanctions	meeting re
6/2/2025	Myers, Shayla R.	9	HG - Court/Hearing	Motion for Sanctions	hearing

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6/2/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prep for hearing
6/2/2025	Myers, Shayla R.	0.2		Motion for Sanctions	call with IG and law clerk Allie F
6/2/2025	Myers, Shayla R.	0.6	PP - Plan/Prepare	Motion for Sanctions	prep during lunch
6/2/2025	Myers, Shayla R.	1	T-travel	Motion for Sanctions	travel to/from hearing
6/2/2025	Geczy, Isabelle			Motion for Sanctions	call with SRM and law clerk Allie F
6/2/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	review previous testimony
6/2/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	find
6/2/2025	Frank, Allegra		RA - Review/Analyze	Motion for Sanctions	reviewing hearing transcripts
6/3/2025	Myers, Shayla R.		PP - Plan/Prepare	Motion for Sanctions	prepare for hearing
6/3/2025	Myers, Shayla R.		HG - Court/Hearing	Motion for Sanctions	hearing
6/3/2025	Myers, Shayla R.	0.5	Designation of the Control of the Co	Motion for Sanctions	discussing case strategy
6/3/2025	Myers, Shayla R.		IC-internal call	Motion for Sanctions	touching base after court, discussing transcript review
6/3/2025	Myers, Shayla R.	0.5	Committee of the commit	Motion for Sanctions	prep during lunch
6/3/2025	Myers, Shayla R.	1	T-travel	Motion for Sanctions	travel to/from hea <u>ring</u>
6/3/2025	Geczy, Isabelle		Contract Con	Motion for Sanctions	testimony review:
6/3/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	fact finding support for SRM during hearing over teams
6/3/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	testimony review:
6/3/2025	Frank, Allegra		CO - Communication	Motion for Sanctions	sending transcript cites (in progress) to IG/SRM
6/3/2025	Frank, Allegra		RA - Review/Analyze	Motion for Sanctions	Reviewing transcripts for testimony
6/3/2025	Frank, Allegra		MT - Meeting	Motion for Sanctions	discussing case strategy w supervisor
6/3/2025	Frank, Allegra	0.4		Motion for Sanctions	touching base after court, discussing
6/4/2025	Myers, Shayla R.	N 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	PP - Plan/Prepare	Motion for Sanctions	prep for hearing
6/4/2025	Myers, Shayla R.		HG - Court/Hearing	Motion for Sanctions	hearing
6/4/2025	Myers, Shayla R.		IC - Internal Communication	Motion for Sanctions	call with IG re:
6/4/2025	Myers, Shayla R.	-	PP - Plan/Prepare	Motion for Sanctions	prep during lunch
6/4/2025	Myers, Shayla R.	0.2		Motion for Sanctions	Allie instruction re
6/4/2025	Myers, Shayla R.	1	T - Travel	Motion for Sanctions	travel to and from eharign
6/4/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	support SRM during hearing sending documents
6/4/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	call with SRM re:
6/4/2025	Frank, Allegra	14000	PP - Plan/Prepare	Motion for Sanctions	Organizing transcript cites for review
6/4/2025	Frank, Allegra		CONTRACTOR AND ADDRESS OF THE PROPERTY OF THE	Motion for Sanctions	instruction re continuing transcript review
6/4/2025	Bautista, Litzy		RA - Review/Analyze	Motion for Sanctions	23-1022 council file update
6/5/2025	Myers, Shayla R.	0.5		Motion for Sanctions	call w/ Cathy re case
6/5/2025	Frank, Allegra		DR - Draft/Revise	Motion for Sanctions	continuing / finalizing transcript review
6/9/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review transcript
6/10/2025	Frank, Allegra		THE STORE COLUMN STREET REPORT AND A STORE STATE	Motion for Sanctions	Transcript citations - closing args
6/10/2025	Frank, Allegra		RA - Review/Analyze	Motion for Sanctions	reviewing closing arguments
6/10/2025	Bautista, Litzy		MT - Meeting	Motion for Sanctions	meeting with IG and SRM re tasks for following days
6/11/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review emails
6/11/2025	Myers, Shayla R.		The State State and Date of State and Date of State and State of S	Motion for Sanctions	meeting w/ AF re
6/11/2025	Myers, Shayla R.		MT - Meeting	Motion for Sanctions	meeting w/ IG re
6/11/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review TLS
6/11/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	meeting w/ SRM re
6/11/2025	Frank, Allegra		CO - Communication	Motion for Sanctions	transcript assignment meeting
6/11/2025	Bautista, Litzy		DRC - Draft Court Document	motion for sanctions	create draft pleading for motion
6/12/2025	Myers, Shayla R.			Motion for Sanctions	comms w/ LB re doc review for TLS
6/12/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review TLS
6/12/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review TLS
6/12/2025	Bautista, Litzy	0.2	IC - Internal Communication	motion for sanctions	call with SRM

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6/13/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review GD brief
6/13/2025	Myers, Shayla R.	. 0.1		Motion for Sanctions	comms w/ LB re
6/13/2025	Myers, Shayla R.	-	RA - Review/Analyze	Motion for Sanctions	review
6/13/2025	Frank, Allegra		CO - Communication	Motion for Sanctions	sending transcript review
6/13/2025	Bautista, Litzy		IC - Internal Communication	motion for sanctions	call with SRM
6/15/2025	Myers, Shayla R.	. 6		Motion for Sanctions	review GD brief and outline response
6/16/2025	Myers, Shayla R.		DRC - Draft Court Document	Motion for Sanctions	draft brief
6/16/2025	Geczy, Isabelle		DRC - Draft Court Document	Motion for Sanctions	draft first section of procedural history
6/16/2025	Geczy, Isabelle		DRC - Draft Court Document	Motion for Sanctions	draft second section of procedural history section
6/16/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	review transcripts from evidentiary hearing
6/16/2025	Frank, Allegra	7	RA - Review/Analyze	Motion for Sanctions	reviewing closing arguments
6/16/2025	Frank, Allegra	0.3	RA - Review/Analyze	Motion for Sanctions	reading city's post hearing brief
6/16/2025	Bautista, Litzy	1.5	DRC - Draft Court Document	motion for sanctions	draft RJN
6/16/2025	Bautista, Litzy	1.4	DRC - Draft Court Document	motion for sanctions	begin draft of Myers dec
6/16/2025	Bautista, Litzy	0.5	DRC - Draft Court Document	motion for sanctions	proposed order for RJN
6/17/2025	Myers, Shayla R.	. 0.2	RA - Review/Analyze	Motion for Sanctions	review LA Alliance filing
6/17/2025	Myers, Shayla R.	. 12	DRC - Draft Court Document	Motion for Sanctions	draft brief re motion for sanctions
6/17/2025	Myers, Shayla R.	0.1	RA - Review/Analyze	Motion for Sanctions	review County of LA filing
6/17/2025	Geczy, Isabelle	0.6	DRC - Draft Court Document	Motion for Sanctions	complete final section of procedural history
6/17/2025	Geczy, Isabelle	3.1	DRC - Draft Court Document	Motion for Sanctions	add citations from the record to the other sections of the filing
6/17/2025	Geczy, Isabelle	2.3	DRC - Draft Court Document	Motion for Sanctions	complete third section of procedural history (sanctions motions)
6/17/2025	Frank, Allegra	2.5	DRC - Draft Court Document	Motion for Sanctions	pulling transcript cites for post-hearing brief
6/17/2025	Frank, Allegra	2.2	DRC - Draft Court Document	Motion for Sanctions	pulling transcript cites for post-hearing brief
6/18/2025	Bautista, Litzy	0.3	RA - Review/Analyze	motion for sanctions	updating council file tracking
6/20/2025	Myers, Shayla R.	0.1	RA - Review/Analyze	Motion for Sanctions	review plaintiffs filing
6/23/2025	Myers, Shayla R.	. 0.3	RA - Review/Analyze	Motion for Sanctions	review CLA's response to LAA RJN
6/24/2025	Myers, Shayla R.	. 1	RA - Review/Analyze	Motion for Sanctions	review ruling
6/24/2025	Myers, Shayla R.	. 1	IC - Internal Communication	Motion for Sanctions	comms re ruling
6/24/2025	Geczy, Isabelle	0.2	RA - Review/Analyze	Motion for Sanctions	read new order
6/25/2025	Myers, Shayla R.	0.4	IC - Internal Communication	Motion for Sanctions	call w/ Carol re filing
6/26/2025	Bautista, Litzy	0.5	RA - Review/Analyze	motion for sanctions	read through filing
7/7/2025	Myers, Shayla R.	0.2	IC - Internal Communication	Motion for Sanctions	comms w/ Cathy re
7/14/2025	Myers, Shayla R.	. 0.1	IC - Internal Communication	Motion for Sanctions	comms w/ cathy re
7/14/2025	Myers, Shayla R.	0.2	IC - Internal Communication	Motion for Sanctions	call w/ Carol S re fees
7/14/2025	Myers, Shayla R.	. 0.3	IC - Internal Communication	Motion for Sanctions	call w/ cathy re fees
7/14/2025	Myers, Shayla R.	0.3	EC - External Communication	Motion for Sanctions	draft email to CLA <u>and P</u> re extension of time
7/16/2025	Myers, Shayla R.	. 0.1	IC - Internal Communication	Motion for Sanctions	comms w/ carol re
7/16/2025	Myers, Shayla R.	0.3	EC - External Communication	Motion for Sanctions	draft email re extension of time
7/17/2025	Myers, Shayla R.	0.1	EC - External Communication	Motion for Sanctions	comms w/ EM re motion and consolidating briefing
7/17/2025	Myers, Shayla R.	. 0.1	IC - Internal Communication	Motion for Sanctions	comms w/ IG re drafting stip to continue dates
7/17/2025	Myers, Shayla R.	. 0.2	EC - External Communication	Motion for Sanctions	draft email to OPC re extension
7/17/2025	Myers, Shayla R.	0.1	EC - External Communication	Motion for Sanctions	comms w/ OPC re extension
7/18/2025	Myers, Shayla R.	0.1	EC - External Communication	Motion for Sanctions	send joint stip to CLA
7/18/2025	Myers, Shayla R.	0.3	RA - Review/Analyze	Motion for Sanctions	review draft stipulation for extension of time
7/18/2025	Geczy, Isabelle	0.4	DRC - Draft Court Document	Motion for Sanctions	make edits to stip
7/18/2025	Geczy, Isabelle	0.3	DRC - Draft Court Document	Motion for Sanctions	draft proposed order
7/22/2025	Myers, Shayla R.		RA - Review/Analyze	Motion for Sanctions	review order and comms w/ team re scheduling
7/29/2025	Myers, Shayla R.	. 0.2	IC - Internal Communication	Motion for Sanctions	call w/ carol re
8/6/2025	Myers, Shayla R.	0.10	IC - Internal Communication	Motion for Sanctions	comms w/ KM

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8/6/2025	Myers, Shayla R.		RS - Legal Research	Motion for Sanctions	legal research re
8/6/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	review already filed fee motion
8/6/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	read and review
8/6/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	check-in w/ SRM re: division of work for fees motion
8/6/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	1st meeting with LB about fees motion assignment
8/6/2025	Geczy, Isabelle		RA - Review/Analyze	Motion for Sanctions	review intervenors post-hearing brief
8/6/2025	Bautista, Litzy	0.2	MT - Meeting	Motion for Sanctions	meeting with IG re fees motion assignment
8/7/2025	Myers, Shayla R.	0.10	IC - Internal Communication	Motion for Sanctions	call w/ Carol re fees declaration
8/7/2025	Myers, Shayla R.	1.20	MT - Meeting	Motion for Sanctions	review fees w/ IG,
8/7/2025	Myers, Shayla R.	5.60	DRC - Draft Court Document	Motion for Sanctions	draft attorneys fees b <u>rief</u>
8/7/2025	Myers, Shayla R.	0.30	IC - Internal Communication	Motion for Sanctions	call w/ Catherine S re
8/7/2025	Myers, Shayla R.	0.80	RA - Review/Analyze	Motion for Sanctions	review fees motion
8/7/2025	Myers, Shayla R.	1.80	RS - Legal Research	Motion for Sanctions	legal research re attorneys fees
8/7/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	review fees, billing discretion with SRM
8/7/2025	Geczy, Isabelle	0.70	MT - Meeting	Motion for Sanctions	meeting with LB about fees motion assignments
8/7/2025	Geczy, Isabelle	1.20	DRC - Draft Court Document	Motion for Sanctions	pull arguments
8/7/2025	Geczy, Isabelle	3.70	DRC - Draft Court Document	Motion for Sanctions	review transcripts and citations to the recrd
8/7/2025	Bautista, Litzy	1	DRC - Draft Court Document	Motion for Sanctions	motion for fees - excel post hearing
8/7/2025	Bautista, Litzy	0.3	DRC - Draft Court Document	Motion for Sanctions	Notice of motion and motion for fees shell
8/7/2025	Bautista, Litzy	0.3	DRC - Draft Court Document	Motion for Sanctions	SRM Dec shell for Fees Motion
8/7/2025	Bautista, Litzy	0.8	MT - Meeting	Motion for Sanctions	meeting with IG re fees motion revisions
8/7/2025	Bautista, Litzy	1.1	DRC - Draft Court Document	Motion for Sanctions	fees motion formatiting
8/8/2025	Myers, Shayla R.	0.10	DRC - Draft Court Document	Motion for Sanctions	finalize brief cites
8/8/2025	Myers, Shayla R.	2.40	DRC - Draft Court Document	Motion for Sanctions	draft fees motion
8/8/2025	Myers, Shayla R.	1.40	DRC - Draft Court Document	Motion for Sanctions	edits to fees motion
8/8/2025	Myers, Shayla R.	0.60	IC - Internal Communication	Motion for Sanctions	call w/ IG re filing, work assignments, declaration
8/8/2025	Myers, Shayla R.	0.10	IC - Internal Communication	Motion for Sanctions	call w/ Cathy S re
8/8/2025	Myers, Shayla R.	0.40	DRC - Draft Court Document	Motion for Sanctions	draft declaration
8/8/2025	Myers, Shayla R.	0.10	DRC - Draft Court Document	Case Administration	calculate fees
8/8/2025	Myers, Shayla R.	0.60	DRC - Draft Court Document	Motion for Sanctions	calculate fees
8/8/2025	Myers, Shayla R.	0.80	DRC - Draft Court Document	Motion for Sanctions	edits to brief, cites
8/8/2025	Myers, Shayla R.	0.4	DRC - Draft Court Document	motion for sanctions	draft proposed order
8/8/2025	Geczy, Isabelle	0.40	DRC - Draft Court Document	Motion for Sanctions	review fees motion draft
8/8/2025	Geczy, Isabelle	0.10	MT - Meeting	Motion for Sanctions	call with SRM re: citation question for fees motion
8/8/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	call with SRM and LB re: final tasks for fees motion filing
8/8/2025	Geczy, Isabelle		MT - Meeting	Motion for Sanctions	call w/ SRM re: fees motion tasks for motion finalization
8/8/2025	Geczy, Isabelle	1.10	DRC - Draft Court Document	Motion for Sanctions	add citations to motion for fees
8/8/2025	Bautista, Litzy	0.30	DRC - Draft Court Document	Motion for Sanctions	srm dec exhibits
8/8/2025	Bautista, Litzy	0.2	DRC - Draft Court Document	Motion for Sanctions	prepare exhbits for SRM declaration
8/8/2025	Bautista, Litzy	0.2	MT - Meeting	Motion for Sanctions	meeting with srm and ig re assignments for fees motion/filing
8/8/2025	Bautista, Litzy	1	DRC - Draft Court Document	Motion for Sanctions	format exhibits for Carol Sobel declaration
8/8/2025	Myers, Shayla R.	1.1	DRC - Draft Court Document	Motion for Sanctions	final edits and finalize motion for attorneys fees
		247.9			,

EXHIBIT C

Table C. Summary of Intervenors' Requested Costs

Hearing Date	Cost	Amount
05/27/2025	Parking – Shayla Myers	\$20
05/28/2025	Parking – Shayla Myers	\$20
05/28/2025	Parking – Isabelle Geczy	\$20
05/29/2025	Parking – Shayla Myers	\$20
05/30/2025	Parking – Shayla Myers	\$20
06/02/2025	Parking – Shayla Myers	\$20
06/03/2025	Parking – Shayla Myers	\$20
06/04/2025	Parking – Shayla Myers	\$20
TOTAL		\$160

EXHIBIT D





The Justice Gap:

The Unmet Civil Legal Needs of Low-income Americans

APRIL 2022



About the Legal Services Corporation

The Legal Services Corporation (LSC) was established by Congress in 1974 to promote equal access to justice. LSC operates as an independent 501(c)(3) nonprofit corporation and currently serves as the nation's single largest funder of civil legal aid for low-income individuals. More than 90% of LSC's total funding is currently distributed to 132 independent non-profit legal aid programs with 877 offices across the country. LSC's mission is to help provide high-quality civil legal aid to low-income people. To learn more about LSC, please visit www.lsc.gov.

ID #:29260

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Acknowledgments

LSC acknowledges the generous support of the William and Flora Hewlett Foundation, the John D. and Catherine T. MacArthur Foundation, the Andrew W. Mellon Foundation, and the Reynolds Family Foundation for funding for this study. Funders do not determine the research findings of LSC research projects.

LSC would also like to acknowledge NORC at the University of Chicago for conducting the 2021 Justice Gap Measurement Survey using its probability-based AmeriSpeak® Panel.

Suggested Citation

Legal Services Corporation. 2022. *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans*. Prepared by Mary C. Slosar, Slosar Research, LLC.

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Visit justicegap.lsc.gov

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On LSC's justice gap study website, visitors can download and print the report, see videos about the justice gap and the impact of civil legal aid, learn more about the study's methodology, and access additional summaries of study findings related to the pandemic, U.S. regions, subpopulations of interest, and other topics.



Executive Summary

Low-income Americans do not get any or enough legal help for 92% of their substantial civil legal problems.



Low-income America

About 50 million Americans have household incomes below 125% of the poverty threshold – including more than 15 million children and nearly 8 million seniors.*



Civil legal needs

Civil legal needs typically involve securing and protecting basic needs, such as housing, education, health care, income, and safety.



The justice gap

The justice gap is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

 $*Data\ source: U.S.\ Census\ Bureau's\ Current\ Population\ Survey, 2021\ Annual\ Social\ and\ Economic\ (ASEC)\ Supplement.$

The 2022 Justice Gap Study

The Legal Services Corporation (LSC) is pleased to share findings from its 2022 Justice Gap Study. This study provides a fresh assessment of low-income Americans' civil legal needs and the extent to which their legal needs are met. Additionally, its timing allows an examination of the justice gap in the context of the COVID-19 pandemic, which has had disproportionate effects on this population. The study leverages LSC's "intake census" conducted among LSC-funded legal aid organizations as well as a nationally representative survey of more than 5,000 adults conducted by NORC at the University of Chicago using its AmeriSpeak® Panel.



The Prevalence of Civil Legal Problems

Most low-income households have dealt with at least one civil legal problem in the past year – and many of these problems have had substantial impacts on people's lives.



3 in 4 (74%) low-income households experienced 1+ civil legal problems in the past year.

2 in 5 (39%) experienced 5+ problems, and 1 in 5 (20%) experienced 10+ problems. Most common types of problems: consumer issues, health care, housing, income maintenance.

1 in 2 (55%) low-income Americans who personally experienced a problem say these problems substantially impacted their lives – with the consequences affecting their finances, mental health, physical health and safety, and relationships.

Data source: 2021 Justice Gap Measurement Survey.

Seeking and Receiving Legal Help

Most low-income Americans do not get any or enough legal help for their civil legal problems – and the cost of legal help stands out as an important barrier.

1 in 4 problems: They seek legal help for only 1 out of every 4 (25%) civil legal problems that impact them substantially.

1 in 2 (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why.



1 in 2 (53%) does not know if they could find and afford a lawyer if they needed one.

92% = survey-based justice gap: They do not get any or enough legal help for 92% of the problems that have had a substantial impact on them.

Data source: 2021 Justice Gap Measurement Survey.

Comparing Income Groups

Compared to low-income Americans, those with higher incomes have fewer barriers to getting legal help.*



They seek help more often: People with higher incomes are more likely to seek legal help for problems with substantial impact (32% vs. 25% of problems).

Their justice gap is smaller: They are less likely to go without any or enough legal help for problems with substantial impact (78% vs. 92% of problems).

They have better access:

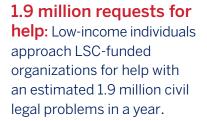
They are more likely to be confident that they could find and afford a lawyer if they needed one (73% vs. 45%).

They believe in the system: They are more likely to believe that they can use the civil legal system to protect and enforce their rights (59% vs. 39%).

*These statements compare people at or above 400% of FPL with people at or below 125% of FPL. Data source: 2021 Justice Gap Measurement Survey.

Reports from the Field

LSC-funded organizations do not have enough resources to meet the current demand for civil legal aid in the communities they serve.*



1 in 2 requests turned away: These organizations must turn away 1 out of every 2 (49%) requests they receive due to limited resources.



1 in 2 problems fully resolved: Even when they can provide some assistance, these organizations have the resources to fully resolve only 1 out of every 2 (56%) problems.

1.4 million problems = intake-based justice gap. All in all, LSC-funded organizations are unable to provide any or enough legal help for an estimated 1.4 million civil legal problems (or 71% of problems) that are brought to their doors in a year.

*These statements are only about problems that are eligible for legal assistance from LSC-funded organizations. Data source: LSC's 2021 Intake Census.



Geographic Focus

West

11.1 million people below 125% of poverty.

72% of households had 1+ civil legal problems in the past year.

Midwest

9.2 million people below 125% of poverty.

75% of households had 1+ civil legal problems in the past year.

Northeast

7.4 million people below 125% of poverty.

74% of households had 1+ civil legal problems in the past year.

South

22.2 million people below 125% of poverty.

75% of households had 1+ civil legal problems in the past year.

Data sources: 2021 Justice Gap Measurement Survey and the U.S. Census Bureau's Current Population Survey, 2021 Annual Social and Economic (ASEC) Supplement.

Special Focus



Seniors

7.6 million seniors below 125% of poverty.70% of senior households had 1+ problems in the past year.



Veterans

1.6 million veterans below 125% of poverty.76% of veteran households had 1+ problems in the past year.



Children (<18 yrs)

15.2 million children below 125% of poverty.83% of households with children had1+ problems in the past year.



People in Rural Areas

8 million people below 125% of poverty in rural areas.

77% of rural households had 1+ problems in the past year.



People with High Housing Costs

15 million households with high housing costs have annual incomes below \$25,000.

84% of households with high housing costs had 1+ problems in the past year.



Survivors of Domestic Violence

98% of households with recent domestic violence had 1+ problems in the past year (in addition to their problems involving domestic violence).

Data sources: 2021 Justice Gap Measurement Survey and various other sources (see Section Two in full report).



Impact of the COVID-19 Pandemic

33% of low-income Americans experienced at least one civil legal problem linked to the COVID-19 pandemic in the past year.

The types of civil legal problems most likely to be attributed to the COVID-19 pandemic are those involving income maintenance, education, and housing.



Income maintenance

32% of income maintenance problems are pandemic-related.

Examples: difficulty accessing unemployment insurance or receiving COVID stimulus payments.



Education

31% of education problems are pandemic-related.

Examples: difficulty attending school or accessing technology to participate in virtual learning.



Housing

27% of housing problems are pandemic-related.

Examples: problems involving foreclosure, eviction, and safe living environments.

Additionally, the data suggest that income disparities in the justice gap between low- and higher-income Americans are exacerbated for pandemic-related civil legal problems. See Section Five for a fuller discussion of this noteworthy finding.

Data source: 2021 Justice Gap Measurement Survey.





Section 1

Introduction

Every day, millions of low-income Americans grapple with civil legal problems, which often involve basic needs like safe housing, access to health care, child custody, and protection from abuse. Most "go it alone" when dealing with these problems – without legal information, advice, or representation to help them resolve their problems in the civil legal system. The 2022 Justice Gap Study from the Legal Services Corporation (LSC) provides a fresh assessment of low-income Americans' civil legal needs and the extent to which they are met.

Introduction

The phrase "with liberty and justice for all" in the Pledge of Allegiance represents a fundamental ideal of this country. Yet, the reality of America's justice system does not live up to this ideal. The United States is facing an access-to-justice crisis that disproportionately impacts our society's most vulnerable. Despite our pledge of "with liberty and justice for all," it is still the case that one's access to justice in our nation too often depends on how much money one has.

In criminal cases, legal assistance is a right. Americans accused of a crime are given legal counsel if they cannot afford it. In contrast, one generally has no right to counsel in civil matters where people might risk losing their homes, livelihoods, health care, or children. Indeed, most low-income Americans must "go it alone" when grappling with civil legal matters – without access to legal information, advice, or representation to help them resolve the matter in our legal system. The result is an expansive "justice gap" – defined by the Legal Services Corporation (LSC) as the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

The justice gap is the difference between the civil legal needs of low-income Americans and the resources available to meet those needs.

This report shares findings from LSC's 2022 Justice Gap Study. The 2022 study provides a fresh assessment of low-income Americans' civil legal needs and the extent to which their legal needs are met. Its timing is particularly important because it allows us to consider the justice gap in the context of the COVID-19 pandemic, which has had disproportionate effects on this population. Additionally, this study sheds light on how low-income Americans' experiences seeking legal help compare with the experiences of Americans with higher incomes.

Background

Legal Services Corporation

Established by Congress in 1974, LSC is the single largest funder of civil legal aid for low-income individuals in the nation. Its mission is to promote equal access to justice in the United States and provide high-quality civil legal assistance to low-income individuals. LSC distributes more than 90 percent of its total funding to 132 independent nonprofit legal aid organizations with 877 offices across the United



States and its territories. These organizations provide legal assistance to lowincome individuals grappling with civil legal problems related to basic needs, such as housing, health, employment, family, and safety.

LSC's Justice Gap Research

The 2022 Justice Gap Study is LSC's fourth justice gap study since 2005. LSC's first two studies (from 2005 and 2009) showed how limited resources make it impossible for LSC-funded legal aid organizations to meet all of the legal needs that low-income individuals bring to them. LSC's 2017 study explored the justice gap through a similar lens but did not stop there. That study also included a nationally representative survey of low-income American households to better understand people's experiences dealing with civil legal problems more generally - regardless of whether they seek legal help. LSC largely modeled the 2022 study after the 2017 study, but also expanded the design to include higher-income groups and additional topics.

Study Methodology

The 2022 study leverages two primary data sources: the 2021 Justice Gap Measurement Survey and LSC's 2021 Intake Census. We provide an overview of the methodologies used to produce the data below. Readers can find additional details about the study's methodology on the study website: justicegap.lsc.gov.

2021 Justice Gap Measurement Survey

LSC contracted with NORC at the University of Chicago (NORC) to conduct a survey of more than 5,000 U.S. adults using its nationally representative, probabilitybased AmeriSpeak® Panel. The survey included a sample of n=2,003 adults from households at or below 125% of the federal poverty level (FPL) and a sample of n=3,305 adults from households above 125% of FPL. To maximize representation, NORC administered the survey using two modes (telephone and web) and in two languages (English and Spanish). NORC fielded the survey for seven weeks from October 15 to December 4, 2021.

LSC's central objectives for the 2021 survey were twofold:

- Measure the prevalence of civil legal problems among low-income Americans, and
- Assess the extent to which low-income Americans receive the legal help necessary to resolve their civil legal problems.

Additionally, LSC designed the 2021 survey to also explore the impact of the COVID-19 pandemic on civil legal needs; identify potential barriers to seeking and receiving legal help; and evaluate differences in experiences across income groups.

The survey design included a flexible survey logic that allowed us to gather detailed



information about people's civil legal needs at three different levels: at the individual level, at the household level, and at the level of specific civil legal problems. Additionally, NORC's approach to sampling and statistical weighting ensures that estimates are representative at all three levels.

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LSC's 2021 Intake Census

Consistent with its previous justice gap studies, LSC conducted an intake census among all LSC-funded legal aid organizations as part of this study. For the 2021 Intake Census, each organization tracked the requests for assistance that it received over a four-week period starting October 4, 2021. For each request meeting LSC eligibility requirements, organizations documented whether they were able to provide any legal help and, if so, whether it would be enough to resolve the problem. If they were unable to provide any legal help, they documented the reason why.

These data allow us to estimate the total number of eligible civil legal problems that low-income Americans bring to LSC-funded organizations over the course of a year. They also allow us to estimate the proportion of these problems that organizations are unable to serve fully or at all due to limited resources.

Additional Data Sources

The 2022 study also leverages three other (preexisting) data sources. Section Two of this report uses recent data from the U.S. Census Bureau to describe the lowincome population in the United States. Wherever possible, we use estimates from the 2021 Annual Social and Economic Supplement (ASEC) of the Current Population Survey (CPS). In other cases, we use estimates from the 2019 American Community Survey (ACS). Finally, Section Six of this report uses information from recent LSC Grantee Activity Reports to describe some aspects of LSC-funded organizations' case activity.

This Report

Report Overview

The study's findings are organized into the following five sections:

Section 2: Today's Low-income America – Using recent data from the U.S. Census Bureau, this section describes the current low-income population in the United States. More specifically, it explores the size of this population, who is most likely to have household incomes at this level, and how this population compares with the general U.S. population.



Section 3: The Prevalence of Civil Legal Problems – Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on the prevalence of civil legal problems among low-income households, the types of problems they face, and how civil legal problems impact their lives.

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Section 4: Seeking and Receiving Legal Help – Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on how often low-income Americans sought and received civil legal help in the past year, the types of legal help they sought, and potential barriers to seeking and receiving legal help.

Section 5: Comparing Income Groups – Leveraging the 2021 Justice Gap Measurement Survey's sample of households above 125% of FPL, this section compares the experiences of low- and higher-income Americans in seeking and receiving civil legal help. More specifically, it compares their likelihood to seek legal help, their likelihood to receive the help they need, and their potential barriers to getting help.

Section 6: Reports from the Field – This section looks at the justice gap through the lens of LSC-funded organizations' efforts to help address the civil legal needs of low-income individuals. Using data from LSC's 2021 Intake Census, this section estimates the number of problems that low-income individuals bring to LSC-funded legal aid organizations in a given year and the extent to which these organizations are able to help resolve these problems with the limited resources at their disposal.

Special Reporting Features

Each of the above-mentioned sections also includes the following special reporting features:

"Impact of the COVID-19 Pandemic" spotlights - These pages present findings that consider the relevant data and topics with respect to the circumstances surrounding the COVID-19 pandemic.

"Geographic Focus" snapshots - These pages present key findings by U.S. region. We follow the U.S. Census Bureau's conventions in grouping states into the following four regions: West, South, Midwest, and Northeast.²

"Special Focus" snapshots – These pages present key findings for six subpopulations of interest: seniors aged 65 years or older, veterans, people from rural areas, minor children aged 18 years or younger, survivors of domestic violence, and people facing high housing costs.3

Client stories – The report presents client stories throughout to help readers put the data in perspective of the very real challenges impacting people's livelihoods, families, safety, and general well-being. ⁴ To protect the identity of clients, we do not use their actual names or photos.5



Important Notes

Terminology: In this report, "Americans" generally refers to adults living in the United States; in Section Two, it also includes children. We use "low-income" to describe anyone with a household income at or below 125% of FPL or below 125% of the poverty threshold. At times, we use "substantial problems" to refer to civil legal problems that survey respondents say impacted them substantially (i.e., "very much" or "severely").

Base sizes: Base sizes are noted in all charts and tables. Bases with fewer than 200 observations are marked with an asterisk (*).

Units of analysis: The units of analysis and sets of observations used for the estimates vary throughout the report. For example, some survey results are based on respondents (or their households), some are based on their civil legal problems, and others are based on subsets of respondents, households, or problems. Readers are encouraged to pay close attention to information describing the units of analysis and relevant sets of observations.

Comparisons with the 2017 study: Given differences in the design of the two studies, we caution against direct comparisons of precise estimates. ⁶ Comparisons of general magnitude are fine. Additionally, it is important to note that much of the analysis in this report focuses on the subset of civil legal problems that impacted people's lives substantially whereas the 2017 report focused on problems that had any degree of impact.

Study Findings in Brief

The findings of this study are consistent with LSC's 2017 study regarding the prevalence of civil legal problems among low-income Americans, their likelihood to seek legal help, and indicators of the justice gap based on survey and intake census data. With its expanded and improved design, this study goes beyond the 2017 study to also provide new insights regarding potential barriers to getting legal help, the role of the COVID-19 pandemic, and key differences between low-income Americans and those with higher incomes. Study findings are briefly summarized below.

Prevalence of Civil Legal Problems and Seeking Legal Help

This study finds that nearly three-quarters (74%) of low-income households have experienced at least one civil legal problem in the past year. Additionally, 38% of low-income Americans have personally experienced a civil legal problem that substantially impacted their lives in some way. Even for these "substantial" problems, they only sought legal help 25% of the time.

Concerns about the cost of legal help stand out as an important barrier to seeking legal help. Nearly one-half (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why. Additionally, more than one-half (53%) of low-income Americans doubt their ability to find a lawyer they could afford if they needed one.



Over the course of a year, low-income individuals will approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems that are eligible for assistance. They will receive some legal help for 51% of these problems, but even then, they will only receive enough legal help to resolve their problem about one-half (56%) of the time.

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The following key findings from this study speak to the magnitude of the justice gap in 2022:

- Low-income Americans did not receive any legal help or enough legal help for 92% of the problems that substantially impacted their lives in the past year.
- LSC-funded organizations are unable to provide any or enough legal help for 71% of the civil legal problems brought to them; this translates to an estimated 1.4 million problems over the course of a year.

Income Group Comparisons

This study has uncovered at least two interesting sets of insights related to differences in experiences by income. The first set relates to findings about differences in potential barriers to getting one's legal needs met. Compared to low-income Americans, we find that those at or above 400% of FPL tend to have more positive views of the civil legal system and how it can help people like them. Additionally, we find that people at or above 400% of FPL are much more confident in their ability to find and afford a lawyer if they needed one.

The second set relates to income disparities evident in the survey-based measure of the justice gap. When it comes to problems that do not have much impact, this measure of the justice gap is similar across income groups, with people not receiving any or enough legal help for 93% to 94% of these problems. An income disparity emerges, however, when we look at problems with substantial impact. For those at or above 400% of FPL, the estimated justice gap shrinks significantly (93% versus 78%) while it essentially stays the same for low-income Americans (94% versus 92%).

Civil Legal Problems Related to the COVID-19 Pandemic

This study finds that one-third (33%) of low-income Americans experienced at least one civil legal problem related to the COVID-19 pandemic in the past year. Among those most likely to experience a pandemic-related problem are those from households with children, single parents, renters, and/or someone struggling with a substance use disorder. Additionally, low-income Americans report that most of their collective problems involving unemployment benefits and eviction are related to the pandemic in some way. Finally, we find that income disparities in the justice gap are exacerbated for civil legal problems related to the COVID-19 pandemic.





Today's Low-income America

Typically, legal aid organizations can use LSC funds only to serve the legal needs of people with household incomes at or below 125% of the federal poverty level. These people make up the set of "low-income Americans" of central focus in this report. To provide a fuller picture of this population, this section offers a glimpse of who today's low-income Americans are. Using recent data collected by the U.S. Census Bureau, it explores how many Americans have low household incomes, where they live, and how they compare with the general U.S. population.



ABOUT THE DATA: This section leverages two U.S. Census Bureau data sources. Whenever possible, we use the 2021 Annual Social and Economic Supplement (ASEC) of the Current Population Survey (CPS) because it is the most current data available - providing poverty estimates based on 2020 income and household information. We use the 2019 American Community Survey (ACS) 1-year Estimates where 2021 CPS ASEC data are not available.

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The income categories in these two data sources are based on the U.S. Census Bureau's poverty thresholds. Note that poverty thresholds are different from the poverty guidelines published by the U.S. Department of Health and Human Services, which are used to determine one's percent of federal poverty level (FPL) and eligibility for LSC-funded legal assistance. Please also note that the U.S. Census Bureau reports on household incomes below 125% of the poverty threshold rather than household incomes at or below 125% of FPL (which is how income eligibility for LSC-funded services is defined).

Some additional data sources are used for the "Special Focus" populations at the end of this section; we note these accordingly. The unit of analysis in this section is individuals.

About 50 million Americans have household incomes below 125% of the poverty threshold, including more than 15 million children.

In 2022, household incomes below 125% of the poverty threshold ("of poverty" hereafter) correspond to annual incomes below \$34,500 for a family of four or \$17,500 for an individual.⁷ Fifteen percent of Americans live in households with annual incomes below these levels. This translates to approximately 50 million lowincome Americans, including approximately 15.2 million children (<18 years old).

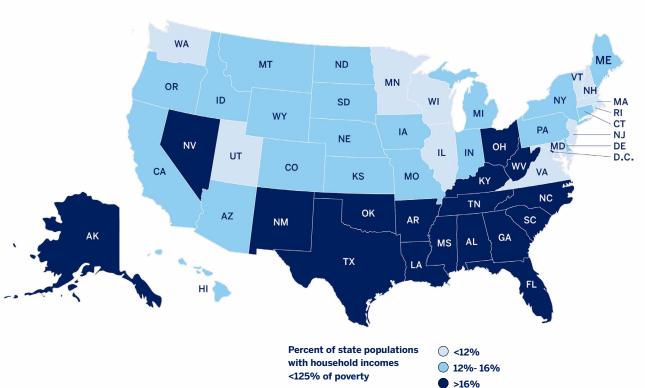


Figure 2A. Low-income Americans' share of state populations in 20218

As Figure 2A depicts, low-income Americans make up larger shares of some states' populations than others. The states with the highest proportions of low-income residents include Mississippi (24%), New Mexico (23%), Louisiana (21%), and Oklahoma (20%). If we look at population counts (instead of proportions), the states with the largest populations naturally stand out as having the highest numbers of low-income residents. For example, California alone has about 5.9 million lowincome residents, Texas has about 5.4 million, Florida has about 3.9 million, and New York has about 3 million.

About 50 million Americans have household incomes below 125% of the poverty threshold.

People living in rural areas are more likely to have low household incomes than people in other areas.

Most Americans live in suburban or urban areas, 9 and those with low incomes are no exception. Combined, suburban and urban areas are home to approximately 42 million low-income people whereas only about 8 million lowincome people live in rural areas. Note, however, that this low population count for rural low-income Americans is driven by the fact that not many Americans live in rural areas more generally. As a matter of fact, people living in rural areas are actually more likely than others to have low incomes: 19% of the rural population has a household income below 125% of poverty compared to 15% of the combined suburban/urban population.¹⁰

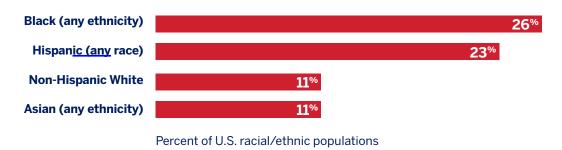
Compared to non-Hispanic Whites, Blacks and Hispanics are more than twice as likely to have household incomes below 125% of poverty.

As Figure 2B shows, Blacks and Hispanics are much more likely to have low incomes compared with non-Hispanic Whites and Asian Americans. Indeed, more than one-quarter (26%) of all Blacks and nearly one-quarter (23%) of Hispanics live in households with incomes below 125% of poverty.



That said, given the relative sizes of the racial and ethnic groups in the United States, the low-income, non-Hispanic White population (~21.4 million) far outnumbers the size of the low-income populations among Hispanics (~14 million), Blacks (~11 million), and Asian Americans (~2.3 million).

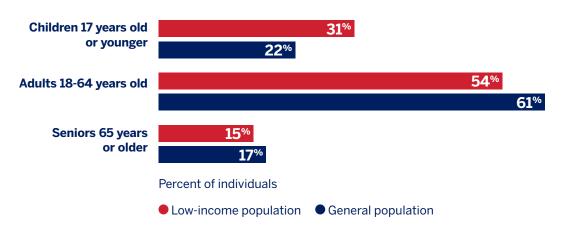
Figure 2B. Proportion of racial/ethnic groups with household incomes below 125% of poverty 11



One in five American children lives in a low-income household.

More than one-fifth (21%) of all American children live in households with incomes below 125% of poverty. This translates to about 15.2 million children in total. Additionally, children are disproportionately represented in the low-income population compared to the general population. See Figure 2C which presents the distribution of children under 18 years old, adults between 18 and 64 years old, and seniors (65 years or older) for the low-income and general populations in the United States. As the figure shows, children make up a nearly one-third (31%) of the lowincome population but less than one-quarter (22%) of the general population.

Figure 2C. Distribution of age: low-income versus general U.S. population¹²

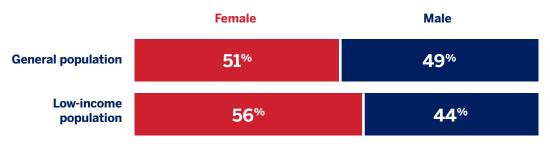


21% of children in the U.S. live in households with incomes below 125% of the poverty threshold.

Low-income women and girls outnumber low-income men and boys in the United States.

There are approximately 5.7 million more women and girls with low incomes than men and boys. There are roughly 27.8 million women and girls, and roughly 22.1 million men and boys who live in low-income households. These numbers reflect the fact that women and girls are disproportionately represented in the low-income population (which is 56% female) compared to the general population (which is 51% female). See Figure 2D. Additionally, it is worth noting that a majority (58%) of all the low-income households with children are headed by single women.¹³

Figure 2D. Distribution of males and females: low-income versus general U.S. population14



Percent of individuals

Client **Story**



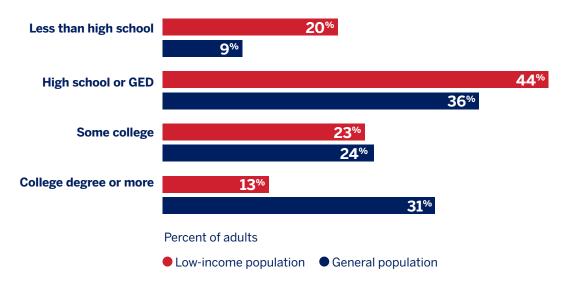
Cathy • Georgia • Eviction. Cathy's financial troubles began when work reduced her hours at the beginning of the pandemic. She was already behind on bills when she was involved in a car accident that left her injured so badly that she could no longer work. She eventually got so far behind that she faced a monthly threat of eviction. The Atlanta Legal Aid Society connected Cathy to a local rental assistance program that helped her pay back rent and also helped her secure Social Security Disability Insurance benefits to pay for food and other necessities.



Compared to the general adult population, low-income adults are disproportionately less likely to have a college degree and more likely to have never graduated high school.

Figure 2E presents the distribution of educational attainment for the general and low-income adult (18 years or older) populations in the United States. As the figure shows, one in five (20%) low-income adults has less than a high school education (or equivalent), which is more than twice the rate for the general adult population (9%). In the same vein, only 13% of low-income adults have a college education compared with 31% of the general adult population.

Figure 2E. Distribution of education: low-income population versus general U.S. population¹⁵





Impact of the COVID-19 Pandemic

The COVID-19 pandemic has had devastating and disproportionate effects on low-income Americans.

In addition to the direct health impacts of the COVID-19 virus on low-income families and communities, 16 the pandemic has also had unprecedented consequences for their economic situations, housing security, mental health, physical safety, food security, access to education, and many other aspects of their lives.17

To provide a sense of some of the challenges low-income Americans still face a full two years into the pandemic, we share some results from the U.S. Census Bureau Household Pulse Survey's most recent week of data collection at the time of writing this report (Week 43: March 2 – 14, 2022).18 The statistics below correspond to people with annual household incomes less than \$25,000.



Finances

23% of low-income households lost employment income in the previous four weeks.



Food Security

26% of low-income households did not always have enough food to eat in the previous week.



Housing

18% of low-income renter households were behind on rent payments.



Mental Health

36% of low-income adults experienced anxiety symptoms on seven or more of the previous 14 days.

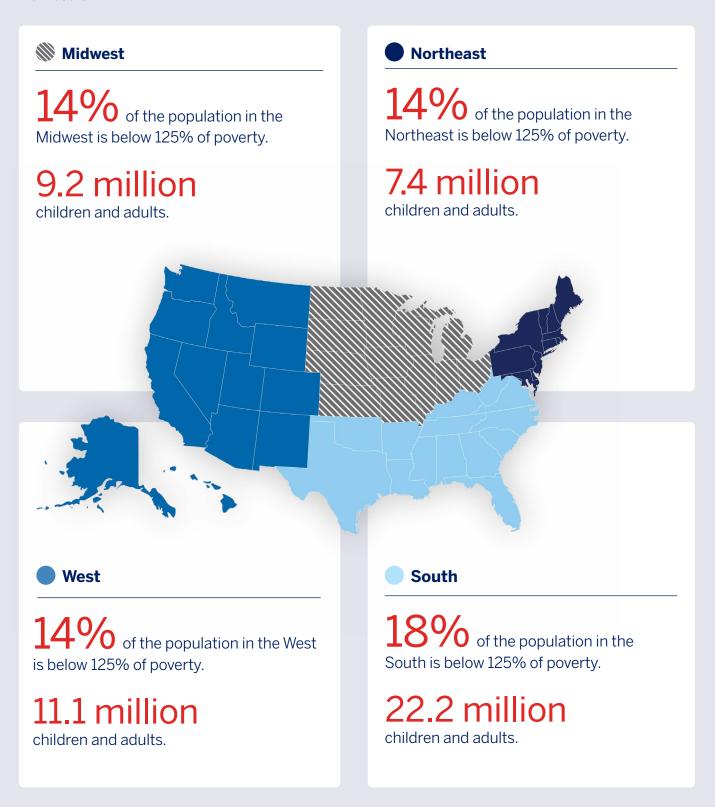


GEOGRAPHIC FOCUS

This snapshot presents estimates for the proportion of populations with household incomes below 125% of poverty for each of the four Census regions in the United States. All estimates come from the Current Population Survey (CPS) 2021 Annual Social and Economic Supplement (ASEC).¹⁹ The unit of analysis is individuals.

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SPECIAL FOCUS

This snapshot presents estimates for the proportion of populations with household incomes below 125% of poverty for each of the six subpopulations of special interest in this report. With the exception of the estimate for survivors of domestic violence, all estimates come from recent U.S. Census Bureau data sources.²⁰ The unit of analysis is individuals.



7.6 million

seniors have household incomes below 125% of poverty.



People in Rural Areas

8 million

people living in rural areas have household incomes below 125% of poverty.



1.6 million

veterans have household incomes below 125% of poverty.



People with High Housing Costs

15 million

households with high housing costs have annual household incomes of less than \$25,000.



15.2 million

children live in households with incomes below 125% of poverty.



Survivors of Domestic Violence

The rate of intimate partner violence for women is nearly 3 times higher among those in the lowest income quartile versus those in the highest.





Section 3

The Prevalence of Civil Legal Problems

A significant majority of low-income American households have faced at least one civil legal problem in the past year, and most have had to deal with multiple problems. These problems typically relate to essential needs like housing, health care, and providing for their families. Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on the prevalence of civil legal problems among low-income households, the most common types of problems they face, and the impact these problems have on their lives.



ABOUT THE DATA: The findings presented in this section come from the Justice Gap Measurement Survey conducted at the end of 2021 and are based on that survey's nationally representative sample of low-income households. The survey presented respondents with an extensive list of problems that typically raise justiciable civil legal issues ("civil legal problems" henceforth) and asked them to indicate whether they and/or anyone else in their household had experienced each problem in the past 12 months. The survey explored a total of 81 distinct problems, which are grouped into 10 categories for the purposes of this report. Respondents' answers about their and other household members' experiences make it possible to estimate how common various civil legal problems are at the household level. The primary unit of analysis in this section is households.

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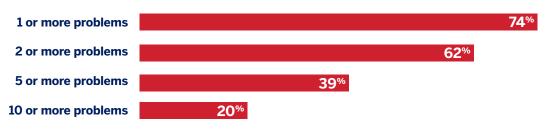
Prevalence of Civil Legal Problems

Most low-income American households faced one or more civil legal problems in the past year.

The 2021 Justice Gap Measurement Survey assessed the prevalence of 81 distinct civil legal problems among low-income households. The results indicate that an estimated 74% of low-income households experienced at least one civil legal problem in the past year – with many households dealing with multiple problems. As Figure 3A shows, about three in five (62%) households experienced two or more problems, about two in five (39%) experienced five or more, and a shocking one in five (20%) of all low-income households experienced 10 or more problems in the past year.

74% of low-income households experienced at least one civil legal problem in the past year.

Figure 3A. Number of civil legal problems experienced by low-income households in the past year²¹



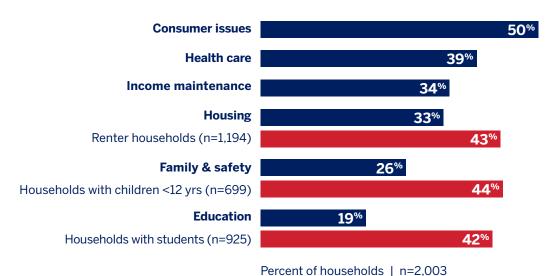
Percent of low-income households | n=2,003



Types of Civil Legal Problems

Figure 3B presents the prevalence rates for the six most common types of civil legal problems among low-income households. The dark blue bars correspond to the proportion of all low-income households that experienced a given type of problem. The occasional red bars correspond to subpopulations of particular interest for a given type of problem. For example, the chart shows the percent of all low-income households that experienced a housing-related problem (33%) as well as the percent of renter households that experienced this type of problem (43%).

Figure 3B. Percent of low-income households experiencing common types of civil legal problems²²



Client **Story**



Barbara • Pennsylvania • Domestic Violence. Barbara's ex-husband was abusing their two children. She had a protection order against him for herself, but she could not get the authorities to believe her about the child abuse. She spent all of her savings and her parents' savings to pay for a private attorney to help her case, but she eventually ran out of money. Meanwhile, the abuse continued. Eventually, a women's crisis shelter connected Barbara to Neighborhood Legal Services Association, who helped her successfully build a case to demonstrate the abuse and protect her children.

The two most common types of civil legal problems among all low-income households relate to consumer issues and health care.



Consumer issues. One-half (50%) of low-income households experienced a problem related to consumer issues. Common problems in this area include difficulties with medical debt (affecting 26% of all low-income households), having utilities disconnected (18%), dealing with harassment from creditors (16%), and falling victim to a scam (15%).

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Health care. Nearly two in five (39%) low-income households experienced a problem related to health care in the past year. Common problems in this area include difficulty getting insurance to cover needed health care (affecting 20% of all low-income households), being billed incorrectly for medical services (16%), and difficulty accessing necessary health care from providers (12%).

Other common types of civil legal problems relate to essential needs, such as income maintenance, housing, education, and family and safety.



Income maintenance. More than one-third (34%) of all low-income households experienced a problem related to income maintenance in the past year. These problems center on people's difficulty accessing benefits to supplement their income and meet their household's basic needs. Common problems in this area include difficulty accessing food stamps and Temporary Assistance to Needy Families (TANF) (affecting 17% of all households), difficulty with their COVID stimulus payment (16%), and difficulty claiming or keeping unemployment benefits (13%).

43% of low-income, renter households experienced at least one civil legal problem related to housing in the past year.



Housing. One-third (33%) of all low-income households experienced a civil legal problem related to housing in the past year. As Figure 3B on the previous page shows, renter households are disproportionately likely to experience these types of problems. Indeed, 43% of renter households experienced a housing problem in the past year (compared to 23% of homeowner households;²³ result not shown in chart). Common problems among renter households include a landlord failing to keep the property in good repair (affecting 26% of renter households), falling behind on rent or being threatened with eviction (18%), and disputing the terms of a lease (18%).





Family and safety. About one-quarter (26%) of all low-income households have experienced at least one problem related to family matters or personal safety. The prevalence is significantly higher among households with children under 12 years old (44%). The most common problems across all households in this area include experience with domestic violence (affecting 10% of all households), problems collecting or paying child support (9%), and separation or divorce (9%).



Education. Nearly one in five (19%) low-income households has experienced a civil legal problem related to education in the past year. When we look solely at households with a student in school, this incidence rate more than doubles to 42%. Common problems among households with a student in school include difficulty attending remote classes due to lack of technology (affecting 21% of these households), inadequate supplies or equipment for school (17%), and inadequate protection from threats or harassment from other students (17%).

Table 3A. Additional types of civil legal problems experienced by low-income households²⁴

Туре	Prevalence	Example problems	
Employment	23%	Unsafe working conditions, unfair or discriminatory treatment in the workplace, and difficulty getting paid for work	
Official records	16%	Difficulty obtaining government- issued documents and expunging something from a criminal record	
Wills & estates	14%	Setting up an advance medical directive, will, or power of attorney	
Disability	10%	Difficulty accessing services and experience with abuse	
n=2,003			



Vicious Cycle of Civil Legal Problems

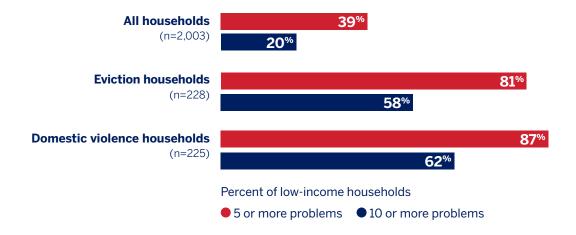
Households that experienced issues with eviction or domestic violence are disproportionately more likely to face multiple problems.

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Consistent with other research about the dynamics of poverty and civil legal issues, the 2021 Justice Gap Measurement Survey finds that households that have to deal with certain types of issues tend to encounter even more problems.²⁵ This pattern can feed a vicious cycle of civil legal problems that is difficult to interrupt without legal help. The survey data point to two poignant examples of this dynamic: households that have dealt with issues related to eviction and/or domestic violence are disproportionately more likely to have experienced multiple problems in the past year. See Figure 3C below.²⁶

Figure 3C. Prevalence of civil legal problems for low-income households facing eviction and domestic violence²⁷





The Impact of Civil Legal Problems

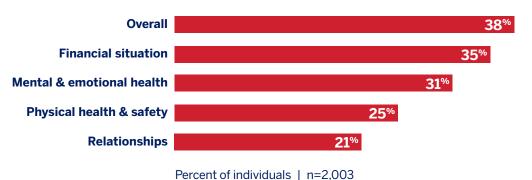
In the past year, more than one-third of low-income Americans experienced a civil legal problem that substantially impacted their lives.

We consider a problem's impact to be "substantial" if the respondent says the problem affected them "very much" or "severely" (as opposed to "moderately," "slightly," or "not at all"). The survey finds that more than one-third (38%) of low-income Americans personally experienced at least one civil legal problem that has had a substantial, negative impact on their household overall.

Figure 3D presents the percent of low-income Americans who experienced civil legal problems with a substantial negative impact in various aspects of their lives. As the figure shows, the most common impacts were on finances and mental health. Indeed, 35% report substantial impacts on their household's financial situation, and 31% report the same for their or other household members' mental and emotional health.

35% of all low-income Americans experienced a problem that has substantially impacted their household's financial situation in the past year.

Figure 3D. Percent of low-income Americans experiencing civil legal problems with substantial impacts in various aspects of their lives²⁸





Problems relating to housing, employment, income maintenance, and family and safety stand out as the most impactful types of problems overall.

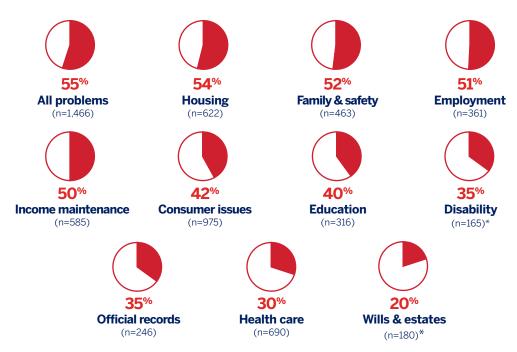
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Narrowing our focus to only those low-income Americans who personally experienced problems in the past year (as opposed to all low-income), we see that more than one-half (55%) say at least one of their problems substantially impacted their lives overall. Some types of problems tend to impact people more than others. Figure 3E shows the percent reporting a substantial negative impact among those who personally experienced various types of problems. At least one-half of those personally affected by the following types of problems reported a substantial impact on their lives: housing (54%), family and safety (52%), employment (51%), and income maintenance (50%).

Civil legal problems had a substantial negative effect on 55% of those who personally experienced a problem in the past year.

Figure 3E. Percent of low-income Americans experiencing substantial impacts from civil legal problems, by problem type²⁹



Percent of low-income individuals who personally experienced at least one problem in a given category *Small base size

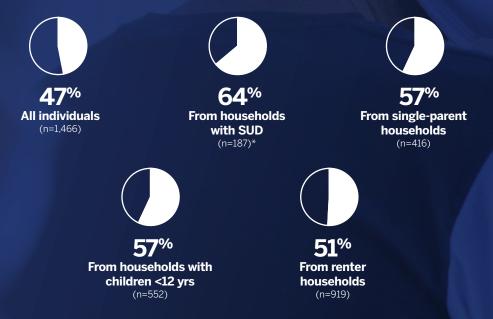


Impact of the COVID-19 Pandemic

One-third (33%) of all low-income Americans personally experienced at least one civil legal problem related to the COVID-19 pandemic in the past year.

This translates to nearly one-half (47%) of all the low-income Americans who experienced one or more problems overall. Those most likely to experience a COVID-related problem track with our common understanding of who has been most affected by the pandemic. Among those that experienced at least one problem in the past year, those most likely to attribute their problems to the pandemic come from the following types of households: household in which someone struggles with substance use disorder (SUD) (64% attribute at least one of their problems to the pandemic), single-parent households (57%), households with children <12 years old (57%), and renter households (51%). See Figure 3F.

Figure 3F. Percent of low-income Americans attributing recent civil legal problems to the pandemic, by household characteristics30



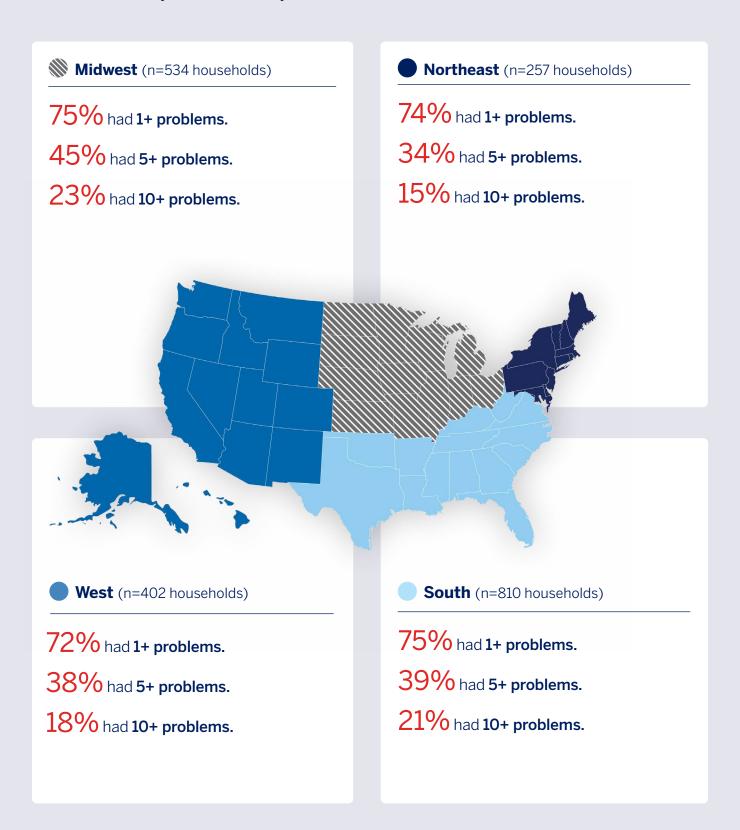
Percent of low-income individuals who experienced at least one problem

The types of problems people are most likely to blame on the pandemic also track with our common understanding of how the pandemic has affected people. For example, respondents attribute nearly one-third (32%) of all their income maintenance problems to the pandemic, 31% of their education problems, and 27% of their housing problems. Looking at specific problems, more than one-half of low-income Americans attribute their problems related to unemployment benefits (52%) and eviction (56%) to the pandemic.



GEOGRAPHIC FOCUS

This snapshot presents the percent of low-income households in each region that experienced 1 or more, 5 or more, and 10 or more problems in the past year. All estimates come from LSC's 2021 Justice Gap Measurement Survey.³¹ The unit of analysis is households.



SPECIAL FOCUS

This snapshot presents the percent of low-income households for each subpopulation of interest that experienced 1 or more, 5 or more, and 10 or more problems in the past year. All estimates come from LSC's 2021 Justice Gap Measurement Survey.³² The unit of analysis is households.



70% had 1+ problems.

31% had 5+ problems.

14% had 10+ problems.

Rural Households (n=419)

77% had 1+ problems.

40% had 5+ problems.

23% had 10+ problems.



76% had 1+ problems.

44% had 5+ problems.

27% had 10+ problems.

Households with High Housing Costs (n=826)

84% had 1+ problems.

49% had 5+ problems.

26% had 10+ problems.



83% had 1+ problems.

52% had 5+ problems.

30% had 10+ problems.



Households with Recent Domestic Violence* (n=225)

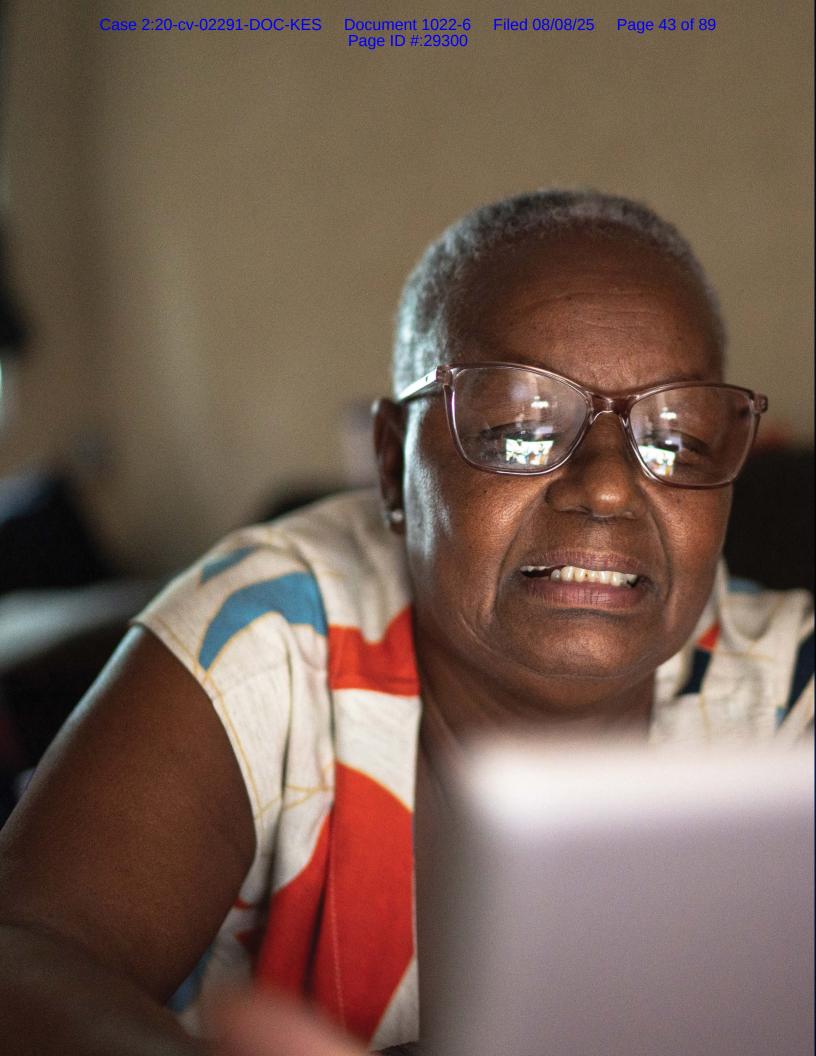
98% had 1+ problems.

87% had 5+ problems.

62% had 10+ problems.

⁺These estimates exclude problems related to domestic violence





Section 4

Seeking and Receiving Legal Help

While a significant majority of low-income Americans faced at least one civil legal problem in the past year, they rarely sought legal help. And even when they sought legal help, they typically did not get as much help as they needed. Using data from the 2021 Justice Gap Measurement Survey, this section presents findings on how often low-income Americans sought and received legal help in the past year, the types of legal help they sought, and potential barriers to seeking and receiving legal help.



ABOUT THE DATA: The 2021 Justice Gap Measurement Survey asked respondents to provide details about their experiences seeking and receiving legal help for problems they had personally experienced in the past year. The survey only asked for detail on problems that had a negative impact on respondents' lives overall (i.e., negatively affected them "slightly," "moderately," "very much," or "severely" overall); the survey did not ask for detail on problems that affected respondents "not at all."

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The vast majority of respondents (92%) personally experienced 10 or fewer problems that impacted their lives to some extent, and these respondents were asked to provide details for all of these problems. In the case that respondents experienced more than 10 problems that impacted their lives, the survey selected a subset of 10 of their problems about which to ask details. To maximize the potential for learning about problems relating to veterans, disabilities, housing, and family issues, these types of problems were given priority for inclusion if they met the other criteria.

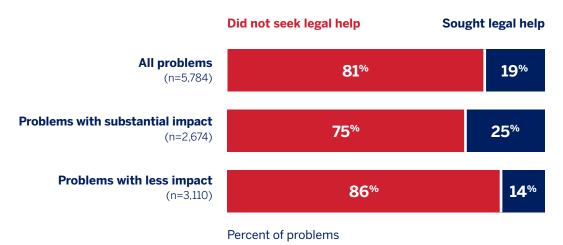
The primary unit of analysis in this section is problems.³³ The focus is exclusively on problems that respondents personally experienced (i.e., excluding problems experienced by other household members) and problems that negatively impacted respondents overall to some extent (i.e., excluding problems that impacted them "not at all"). Note that the primary unit of analysis changes to the individual in the discussion about barriers at the end of the section.

Seeking Legal Help

Low-income Americans rarely seek legal help for their civil legal problems.

Low-income Americans sought legal help for 19% of their collective civil legal problems in the past year. As Figure 4A shows, they were slightly more likely to seek legal help for problems that impacted them substantially (25% of problems impacting them "very much" or "severely") compared to less impactful problems (14% of problems affecting them "slightly" or "moderately").

Figure 4A. Percent of problems for which low-income Americans sought legal help in the past year³⁴



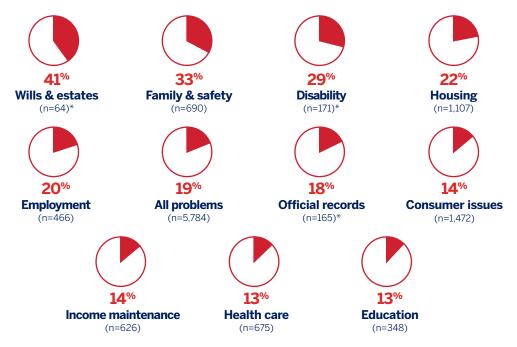


Low-income Americans sought legal help for 25% of the civil legal problems that substantially impacted them in the past year.

People are more likely to seek legal help for problems that are more obviously "legal" like those involving legal documents and court proceedings.

Figure 4B presents the percent of civil legal problems for which low-income Americans sought legal help in the past year by problem type. As the figure shows, people were most likely to seek legal help for problems relating to family and safety (33%) and to wills and estates (41%). Compared to the other problems explored in the survey, these types of problems might be considered more obviously "legal" in nature. For example, many family and safety problems involve the courts, such as those related to child custody, divorce, and protection from violence. Similarly, the problems in the wills and estates category involve official legal documents and often involve court proceedings as well.

Figure 4B. Percent of problems for which low-income Americans sought legal help, by problem type³⁶



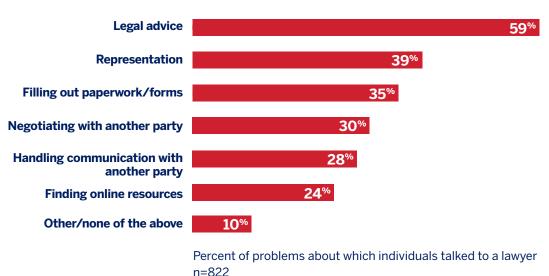
Percent of problems experienced in each category
*Small base size



The types of legal help that low-income Americans seek from lawyers reflect the wide variety of ways legal professionals can help people with these types of problems.

Figure 4C presents the various types of help low-income Americans wanted when they talked to a lawyer about their civil legal problems in the past year. The most common type of legal help sought was legal advice about specific situations (59% of the times they sought legal help). Other common types of help sought include representation in court (39%) and help filling out legal forms and documents (35%).

Figure 4C. Percent of problems for which low-income Americans sought various types of legal help from lawyers³⁷

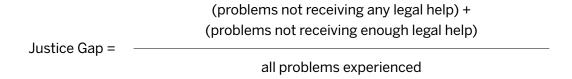


Even when they seek legal help, low-income Americans often do not get all of the help they need.

Looking at all of the problems for which low-income Americans sought legal help, they say that they did not receive all of the help needed for nearly two-thirds (64%).³⁸ If we narrow our focus to only those problems that affected them substantially, we find a similar result: low-income Americans did not receive all of the help they needed for 66% of these substantial problems.³⁹

Survey-based Measure of the Justice Gap

The survey results allow us to estimate a survey-based measure of the justice gap among low-income Americans.⁴⁰ To do so, we first identify the full set of problems low-income Americans experienced in the past year and then identify the set of these problems for which they did not receive any legal help or did not receive enough legal help.



We define each part of this measure below:

- All problems experienced: All personally experienced problems that impacted respondents to some extent in the past year.⁴¹
- Problems not receiving any legal help: The subset of problems for which they did not seek any legal help.⁴²
- Problems not receiving enough legal help: The subset of problems for which they sought legal help but did not receive as much as they needed.⁴³



Nancy • New Jersey • Disability. Nancy, an elderly disabled woman, lived in public housing for seniors, a placement that she risked losing. When she lost her identification documents, she fell behind on rent because she did not know how to access her bank account without them. She asked Essex-Newark Legal Services (ENLS) for help, but they lost contact with Nancy when the pandemic hit. An ENLS staff member eventually tracked her down and found that she had been isolated for several months — surviving on food donations and still housed only because evictions were not allowed. ENLS helped her get a new I.D. card, and she is now up-to-date on rent and safe.



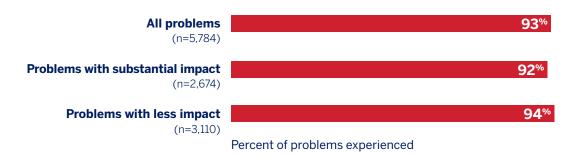
Low-income Americans either do not receive any legal help or do not receive enough legal help for the vast majority of their civil legal problems.

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Figure 4D presents the survey-based justice gap measure for low-income Americans among three sets of problems: all of the civil legal problems they experienced, problems with substantial impact, and problems with less impact. As the figure shows, low-income Americans did not receive any or enough legal help for 93% of all of their problems. Interestingly, this estimate is essentially the same whether we look at problems with substantial impact (92%) or problems with less impact (94%).

Figure 4D. Percent of problems for which low-income Americans did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure)⁴⁴



Low-income Americans did not receive any legal help or enough legal help for **92%** of the problems that substantially impacted them in the past year.

Barriers to Seeking and Receiving Legal Help

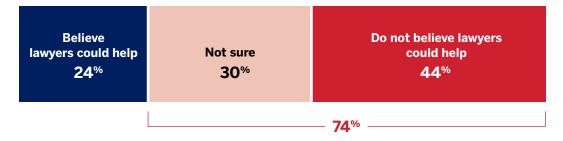
The survey data allow us to explore three types of potential barriers to seeking and receiving legal help:

- Knowledge barriers: We look at the extent to which people know that legal professionals can help resolve the types of civil legal problems explored in this survey.
- Attitudinal barriers: We explore people's beliefs about the civil legal system and how it relates to people like them.
- Cost barriers: We consider the extent to which the (real or perceived) cost of receiving legal help might pose a barrier to getting it.

There is a low level of awareness around the fact that lawyers can help resolve many of the everyday civil legal problems people face.

For each civil legal problem that they personally experienced, respondents indicated whether they thought it was a type of problem that a lawyer or other legal professional could help resolve. The results point to a low level of awareness about how legal professionals can help. As Figure 4E shows, low-income Americans did not know if a lawyer could help resolve 74% of their problems. Indeed, they did not think a lawyer could help with 44% of their problems and were not sure for another 30%. Among low-income Americans with at least one reported problem, only 5% knew that a legal professional could help resolve all of the types of problems they experienced; the vast majority (95%) either did not think a legal professional could help or were not sure for at least one problem.

Figure 4E. Low-income Americans' beliefs about whether a lawyer could help resolve their civil legal problems⁴⁵



Percent of problems experienced | n=9,306



Most low-income Americans hold uncertain or negative perceptions of the civil legal system and how it relates to them.

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The survey asked respondents to indicate the extent to which they agreed or disagreed with the following three statements about the U.S. civil legal system:⁴⁶

- The civil legal system can help people like me solve important problems like those discussed in this survey.
- People like me are treated fairly in the civil legal system.
- People like me are able to use the civil legal system to protect and enforce their rights.

Figure 4F presents the percent of low-income Americans who agree, disagree, or are indifferent/unsure when it comes to these statements. As the figure shows, a minority (ranging from 28% to 40%) agrees with the statements, but most people either disagree or are indifferent/unsure. For example, only 28% of low-income Americans agree with the statement, "People like me are treated fairly in the civil legal system." Forty-six percent are either indifferent or unsure, and another 24% disagree.

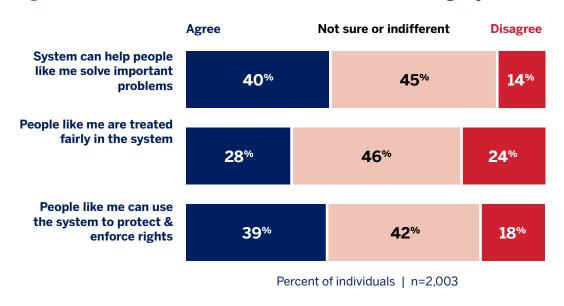
Client Story



George • Virginia • Elder abuse. George is an elderly veteran with serious health issues. He had a caregiver who was neglecting and abusing him – in addition to stealing from him. Once Adult Protective Services became involved, they referred George to Blue Ridge Legal Services (BRLS). BRLS attorneys helped him revoke the abuser's previous power of attorney and get new powers of attorney in place with trusted family members. BRLS also helped George file a civil case against his abuser, which resulted in a settlement of \$40,000. Additionally, BRLS helped George and the police document the stolen money and property, resulting in a parallel criminal case against George's abuser.

Only 28% of low-income Americans believe that people like them are treated fairly in the U.S. civil legal system.

Figure 4F. Low-income Americans' attitudes about the U.S. civil legal system⁴⁷



More than one-half of low-income Americans doubt they could find and afford a lawyer if they needed one.

The survey asked respondents how confident they are that they would be able find a lawyer or other legal professional that they could afford if they needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child. Figure 4G presents the corresponding results. As the figure shows, less than one-half (45%) of low-income Americans express confidence that they could find a lawyer that they could afford while 53% either have low confidence or are not sure.

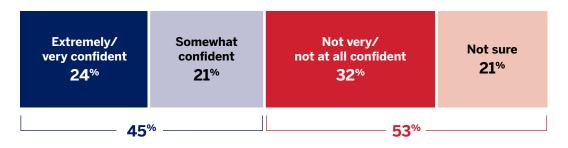


53% of low-income Americans do not know if they would be able to find a lawyer that they could afford if they needed help with a serious civil legal problem.

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Figure 4G. Low-income Americans' confidence in their ability to find a lawyer that they could afford⁴⁸



Percent of individuals | n=2,003

Many low-income Americans cite cost as a reason for not seeking legal help in the past year.

Among those who did not seek legal help for at least one of their recent civil legal problems, nearly one-half (46%)⁴⁹ cited concerns about cost as a reason why. There is also evidence to suggest that concerns about cost stood in the way of others' ability to get all of the help they needed. Indeed, among those who sought legal help but did not get all that they needed for one or more problems, 61% say one of the reasons was that it was too expensive to get more help.50

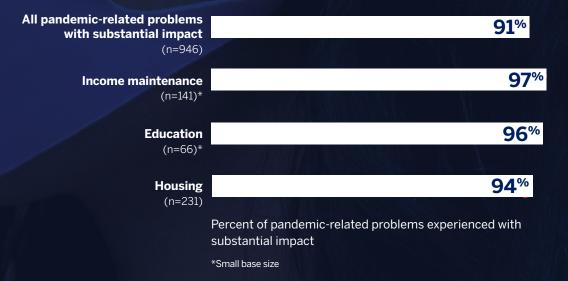
Impact of the COVID-19 Pandemic

Low-income Americans did not receive any or enough legal help for 91% of the pandemic-related civil legal problems that substantially impacted their lives.

Low-income Americans sought legal help for 22% of the substantial problems that they attribute to the COVID-19 pandemic in the past year.51 Consistent with broader findings, two common reasons cited for not seeking legal help for these problems were concerns about cost and the belief that lawyers could not help with these problems.52

All in all, low-income Americans did not receive any legal help or enough legal help for 91% of the pandemic-related problems that impacted them substantially. Figure 4H below presents estimates for the survey-based justice gap measure for the three types of problems most frequently attributed to the pandemic (i.e., income maintenance, education, and housing).

Figure 4H. Percent of substantial, pandemic-related problems for which low-income Americans did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure)53





GEOGRAPHIC FOCUS

This snapshot presents key statistics about the likelihood of low-income Americans seeking and receiving legal help for each of the four Census regions in the United States. All estimates are based exclusively on civil legal problems with substantial impacts and come from LSC's 2021 Justice Gap Measurement Survey.⁵⁴ The unit of analysis is problems.



Midwest (n=752)

Sought legal help for 25% of substantial problems.

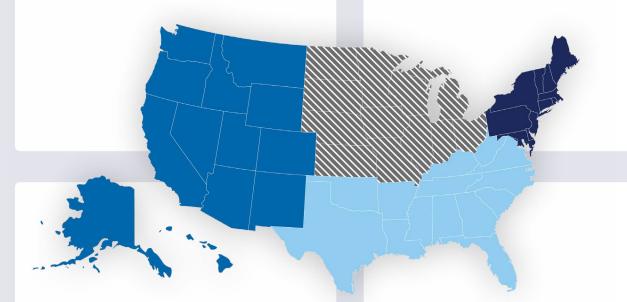
Did not receive any or enough legal help for 93% of substantial problems.



Northeast (n=261)

Sought legal help for 29% of substantial problems.

Did not receive any or enough legal help for 88% of substantial problems.



West (n=558)

Sought legal help for 29% of substantial problems.

Did not receive any or enough legal help for 92% of substantial problems.



South (n=1,103)

Sought legal help for 21% of substantial problems.

Did not receive any or enough legal help for 92% of substantial problems.

SPECIAL FOCUS

This snapshot presents key statistics about the likelihood of low-income Americans seeking and receiving legal help for the six subpopulations of interest throughout this report. All estimates are based exclusively on civil legal problems with substantial impacts and come from LSC's 2021 Justice Gap Measurement Survey. 55 The unit of analysis is problems.



Seniors (n=222)

Sought legal help for **26% of substantial problems.**

Did not receive any or enough legal help for 91% of substantial problems.



Individuals from Rural Areas (n=593)

Sought legal help for **21% of substantial problems.**

Did not receive any or enough legal help for 94% of substantial problems.



Individuals from Veteran Households (n=366)

Sought legal help for **34% of substantial problems.**

Did not receive any or enough legal help for 84% of substantial problems.



Individuals with High Housing Costs (n=1,507)

Sought legal help for **21% of substantial problems.**

Did not receive any or enough legal help for 95% of substantial problems.



Individuals from Households with Children (<18 yrs) (n=1,500)

Sought legal help for **24% of substantial problems.**

Did not receive any or enough legal help for 90% of substantial problems.



Recent Survivors of Domestic Violence (n=666)

Sought legal help for **29% of substantial problems.**

Did not receive any or enough legal help for 88% of substantial problems.





Section 5

Comparing Income Groups

Leveraging the 2021 Justice Gap Measurement Survey's sample of households above 125% of the federal poverty level, this section compares the experiences of low- and higher-income Americans in seeking and receiving legal help for recent civil legal problems. More specifically, it compares their likelihood to seek legal help, their likelihood to receive the help they need, and their potential barriers to getting help.



ABOUT THE DATA: The data in this section come from the 2021 Justice Gap Measurement Survey and its nationally representative samples of low- and higher-income Americans. The section focuses on comparing the results for different income groups across some of the same survey items explored in Section Four – including items used to estimate the survey-based justice gap measure and items that tap into potential knowledge, attitudinal, and cost barriers to getting legal help. This section uses two primary units of analysis: problems and individuals.

Comparing Income Groups

While the main focus of this study is to better understand low-income Americans' civil legal needs, the 2021 Justice Gap Measurement Survey also included a nationally representative sample of individuals with household incomes above 125% of FPL. The primary purpose of this higher-income sample was to explore how experiences with civil legal problems might differ by income. For the purposes of this report, we group individuals into the following three categories based on their household income and household size:

- At or below 125% of FPL
- Between 125% of FPL and 400% of FPL
- At or above 400% of FPI

Table 5A presents the approximate annual incomes that correspond to each of these income groups for a typical family of four and a typical individual.⁵⁶

Table 5A. 2022 annual household income levels for income groups of interest⁵⁷

	Family of four	Individual	
125% of FPL or below	\$34,688 or less	\$16,988 or less	
Between 125% and 400% of FPL	\$34,689 to \$111,000	\$16,989 to \$54,360	
400% of FPL or above	\$111,001 or more	\$54,361 or more	

This section focuses primarily on comparisons between people at or below 125% of FPL ("low-income Americans") and people at or above 400% of FPL ("higher-income Americans"). This offers the sharpest comparison given that household income often fluctuates, and people who are in the middle income group today could very well be in the lower or higher income group tomorrow.



Comparing Likelihood to Seek and Receive Legal Help

In general, the likelihood to seek legal help is higher for problems with substantial impact, and this pattern is more pronounced among people with higher incomes.

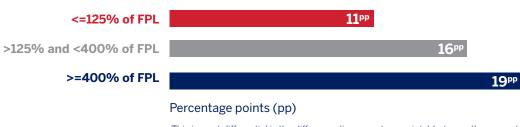
Table 5B summarizes each income group's likelihood of seeking legal help in the past year for three groups of problems: all problems, problems with substantial impact, and problems with less impact. As the table shows, people are more likely to seek legal help for problems with substantial impact. We see this "impact differential" across all three income groups.

Table 5B. Percent of problems for which people sought legal help, by income⁵⁸

	All problems	Problems with substantial impact	Problems with less impact
125% of FPL or below	19% (n=5,784)	25% (n=2,674)	14% (n=3,110)
Between 125% and 400% of FPL	20 % (n=5,666)	30 % (n=2,177)	14% (n=3,489)
400% of FPL or above	18% (n=1,231)	32 % (n=320)	13 % (n=911)

Figure 5A charts the impact differential for each income group's likelihood to seek help; this is the difference between their likelihood to seek legal help for problems with substantial impact and those with less impact. As the figure shows, the impact differential is larger for people with higher incomes. For low-income Americans, the impact differential is 11 percentage points; they seek help for 25% of their problems with substantial impact and 14% of those with less impact. The impact differential for those at or above 400% of FPL is 19 percentage points; this group seeks legal help for nearly one-third (32%) of their problems with substantial impact and for 13% of those with less impact.

Figure 5A. Impact differential in likelihood to seek legal help, by income⁵⁹



This impact differential is the difference (in percentage points) between the percent seeking help for problems with substantial impact versus problems with less impact.



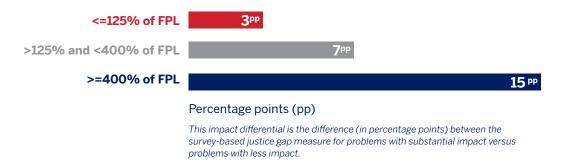
Among higher-income Americans, the survey-based justice gap measure is significantly smaller for substantial problems.

Table 5C presents the survey-based justice gap measure for the three income groups. As a reminder, this measure reflects the percent of problems that do not receive any legal help or enough legal help. As the table shows, the survey-based justice gap measure for low-income Americans stays relatively flat regardless of impact level (94% versus 92%). Meanwhile, for those at or above 400% of FPL, it is significantly lower for problems with more impact (93% versus 78%). This translates to an "impact differential" of 15 percentage points for higher-income Americans compared to a differential of only three percentage points for low-income Americans. Figure 5B shows these impact differentials in chart form.

Table 5C. Percent of problems for which people did not receive any or enough legal help in the past year (i.e., survey-based justice gap measure), by income⁶⁰

	All problems	Problems with substantial impact	Problems with less impact
125% of FPL or below	93 % (n=5,784)	92 % (n=2,674)	94% (n=3,110)
Between 125% and 400% of FPL	90 % (n=5,666)	86% (n=2,177)	93 % (n=3,489)
400% of FPL or above	90 % (n=1,231)	78 % (n=320)	93% (n=911)

Figure 5B. Impact differential in survey-based measure of the justice gap, by income⁶¹



Among higher-income Americans, the survey-based justice gap measure is smaller for problems with substantial impact; among low-income Americans, it stays the same no matter how impactful the problem might be.

Comparing Potential Barriers

Section Four of this report examined results for low-income Americans on survey measures that tap into three types of potential barriers: knowledge, attitudinal, and cost. Below, we compare the results on the same measures for low-income Americans versus higher-income Americans. Overall, we find that higher-income Americans tend to have more positive attitudes toward the civil legal system and are more confident that they could find and afford legal help if they needed it.

The three income groups are similar when it comes to their likelihood to believe that a lawyer could help resolve their civil legal problems.

Figure 5C presents the survey results for all three income groups regarding whether they think a lawyer (or other legal professional) could help resolve their civil legal problems. Respondents answered this question for each of the problems they personally experienced in the past year. As the figure shows, there are only slight

Client Story

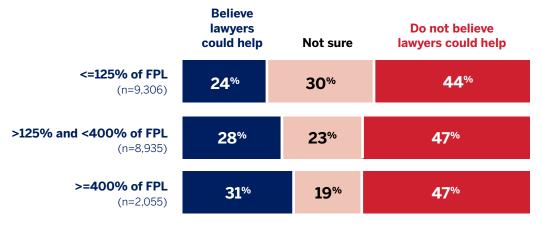


Judy • Montana • Family. When her daughter died unexpectedly, Judy became the legal guardian for her two grandchildren, including a grandson with autism. Soon after her daughter's death, her grandson's Social Security Disability Insurance (SSDI) was suddenly terminated, and Judy did not know how to get him the services he needed without it. She was desperate to find a solution for her family, but knew she could not afford an attorney. A friend referred her to Montana Legal Services Association and their attorneys were able to collect the documentation necessary to appeal the SSDI decision. Judy's grandson's benefits were reinstated.

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differences by income. Regardless of income, most Americans either did not think that lawyers could help them with these sorts of problems (44% to 47%) or they were not sure about it (19% to 30%).

Figure 5C. Beliefs about whether a lawyer could help resolve their civil legal problems, by income⁶²

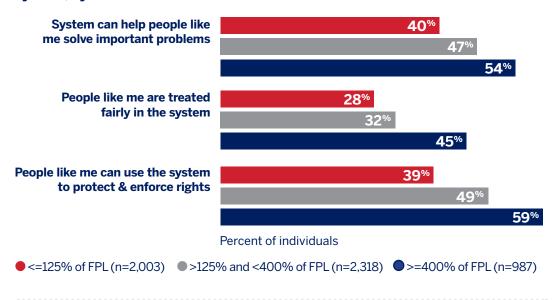


Percent of problems experienced

People with higher incomes tend to have more positive views of the civil legal system and how it relates to people like them.

Figure 5D presents the percent of individuals who agree with three statements about the U.S. civil legal system and how it might support "people like [them]." Overall, these results point to significant differences in attitudes about the civil legal system across income groups. Indeed, compared to low-income Americans, those at or above 400% of FPL are much more likely to agree with all three statements. We see the biggest differences with regard to the statement, "People like me are able to use the civil legal system to protect and enforce their rights" - with 59% of those at or above 400% of FPL agreeing versus 39% of low-income Americans.

Figure 5D. Percent agreeing with various statements about the U.S. civil legal system, by income⁶³



Compared to low-income Americans, those with higher incomes are generally more confident in their ability to find a lawyer that they could afford.

One of the most striking findings from Section Four of this report is the fact that fewer than one-half (45%) of low-income Americans expressed confidence in their ability to find a lawyer that they could afford if faced with a serious civil legal problem. Figure 5E presents the percent of individuals from all three income groups who express the same level of confidence (i.e., they are "somewhat," "very," or "extremely confident"). As the figure shows, nearly three-quarters (73%) of those at or above 400% of FPL say they are at least somewhat confident. This is a striking figure compared to that of the low-income group; indeed, higher-income Americans are a full 28 percentage points more likely than low-income Americans to express this confidence (73%) versus 45%).

Client **Story**



Gloria • Washington, D.C. • Veteran. Gloria is a veteran with post-traumatic stress disorder (PTSD). Her veteran benefits were not enough to make ends meet, and she was repeatedly denied the Social Security Disability Insurance and other benefits that she was entitled to due to her PTSD. She was appealing the denials of benefits on her own – without any legal help. Attorneys from Neighborhood Legal Services Program of the District of Columbia took her case and were able to secure the benefits she needed to pay rent and take care of her other needs.

73% of higher-income Americans are confident in their ability to find a lawyer they could afford while only 45% of low-income Americans say the same.

Figure 5E. Percent confident in ability to find a lawyer they could afford, by income⁶⁴



Impact of the COVID-19 Pandemic

Income disparities in the justice gap are exacerbated for civil legal problems related to the COVID-19 pandemic.

Compared to low-income Americans, those with higher incomes are less likely to have experienced a civil legal problem related to the COVID-19 pandemic. While onethird (33%) of low-income Americans experienced at least one problem related to the pandemic, this is true for only 18% of those at or above 400% of FPL.65

Table 5C presents the survey-based measures of the justice gap for all problems with substantial impact - breaking them out by whether they were related to the pandemic.

Table 5C. Survey-based justice gap measure for pandemic-related and other problems with substantial impact, by income⁶⁶

	All problems with substantial impact	Pandemic-related problems with substantial impact	Other problems with substantial impact
125% of FPL or below	92 % (n=2,674)	91% (n=946)	92% (n=1,728)
Between 125% and 400% of FPL	86 % (n=2,177)	81 % (n=723)	88% (n=1,454)
400% of FPL or above	78% (n=320)	68% (n=103)*	84 % (n=217)
"Income disparity" in percentage points (pp)	14 pp	23 ^{pp}	8 ^{pp}

Income disparity represents the difference (in percentage points) between the survey-based justice gap measure for those at or below 125% of FPL versus those at or above 400% of FPL.

Looking at the column for pandemic-related problems, we see that this measure of the justice gap is much lower among those at or above 400% of FPL compared to low-income Americans. Low-income Americans do not receive any or enough legal help for 91% of the pandemic-related problems that substantially impacted them. Meanwhile, those at or above 400% of FPL do not receive any or enough legal help for 68% of these problems. This translates to an income disparity of 23 percentage points (91% versus 68%). Table 5C also makes clear that this income disparity is significantly greater for pandemic-related problems compared to other problems (23 versus 8 percentage points).



^{*}Small base size

GEOGRAPHIC FOCUS

This snapshot presents the percent of people in each of the four U.S. Census regions who express **confidence in their ability to find and afford a lawyer** if they need help resolving a serious civil legal problem. All estimates come from LSC's 2021 Justice Gap Measurement Survey.⁶⁷ The unit of analysis is individuals.



At or below 125% of FPL (n=534):

43% are confident.

Between 125% and 400% of FPL (n=558):

59% are confident.

At or above 400% of FPL (n=258):

76% are confident.



At or below 125% of FPL (n=257):

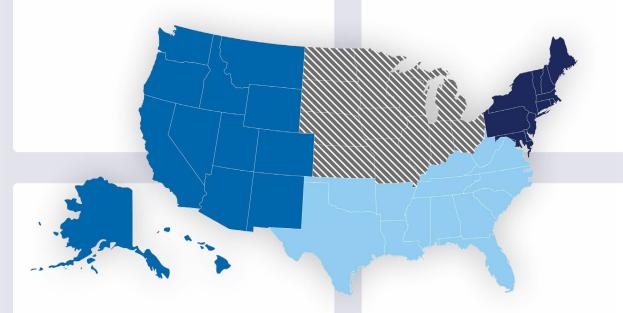
52% are confident.

Between 125% and 400% of FPL (n=284):

60% are confident.

At or above 400% of FPL (n=177):*

71% are confident.



West

At or below 125% of FPL (n=402):

40% are confident.

Between 125% and 400% of FPL (n=529):

59% are confident.

At or above 400% of FPL (n=253):

70% are confident.

South

At or below 125% of FPL (n=810):

47% are confident.

Between 125% and 400% of FPL (n=947):

58% are confident.

At or above 400% of FPL (n=299):

74% are confident.

SPECIAL FOCUS

This snapshot presents the percent of the subpopulations of interest who express **confidence in their ability to find and afford a lawyer** if they need help resolving a serious civil legal problem. All estimates come from LSC's 2021 Justice Gap Measurement Survey⁶⁸ The unit of analysis is individuals.



Seniors

At or below 125% of FPL (n=369):

60% are confident.

Between 125% and 400% of FPL (n=481):

72% are confident.

At or above 400% of FPL (n=128):*

87% are confident.



Individuals from Rural Areas

At or below 125% of FPL (n=419):

45% are confident.

Between 125% and 400% of FPL (n=412):

56% are confident.

At or above 400% of FPL (n=93):*

77% are confident.



Individuals from Veteran Households

At or below 125% of FPL (n=242):

51% are confident.

Between 125% and 400% of FPL (n=416):

69% are confident.

At or above 400% of FPL (n=174):*

76% are confident.



Individuals with High Housing Costs

At or below 125% of FPL (n=826):

40% are confident.

Between 125% and 400% of FPL (n=617):

51% are confident.

At or above 400% of FPL (n=82):*

53% are confident.



Individuals from Households with Children (<18 yrs)

At or below 125% of FPL (n=889):

40% are confident.

Between 125% and 400% of FPL (n=918):

53% are confident.

At or above 400% of FPL (n=252):

70% are confident.



Recent Survivors of Domestic Violence

At or below 125% of FPL (n=177):*

45% are confident.

Between 125% and 400% of FPL (n=112):*

48% are confident.

At or above 400% of FPL

(not enough data to produce estimate)

*Small base size





Reports from the Field

Sections Four and Five examined the justice gap through the lens of people's personal experiences dealing with specific civil legal problems. This section looks at the justice gap through a different lens: legal aid organizations' experiences trying to help low-income individuals with their civil legal problems. Using data from LSC's 2021 Intake Census, this section estimates the number of problems that low-income individuals bring to LSC-funded legal aid organizations over the course of a year and the extent to which these organizations are able to help resolve these problems with the limited resources at their disposal.



ABOUT THE DATA: The findings in this section come from LSC's 2021 Intake Census. As part of this four-week-long intake census conducted in October 2021, LSC-funded organizations tracked all of the times individuals requested legal help from their organizations. They tracked which problems they were able to serve fully, to some extent, and not at all. The resulting data permit an estimate of the intake-based measure of the justice gap. This measure focuses on the extent to which LSC-funded organizations are able to provide any or enough legal help for the civil legal problems low-income individuals bring to their doors. The unit of analysis in this section is problems.

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Requests for Legal Help

Over the course of a year, low-income individuals approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems.

As a general rule, to be eligible for LSC-funded legal help, an individual must have a household income at or below 125% of FPL,⁶⁹ and their civil legal problem cannot be related to an issue prohibited by LSC regulations, such as abortion, euthanasia, and class-action litigation.⁷⁰ For the purposes of this report, we call civil legal problems that meet these criteria "eligible" problems.⁷¹

During LSC's four-week 2021 Intake Census, low-income individuals approached LSC-funded organizations with approximately 147,000 unique eligible problems.⁷² Assuming these four weeks represent intake activity for a typical four-week period in the year, this translates to an estimated 1.9 million eligible problems over the course of a year.

Low-income individuals approach LSC-funded legal aid organizations for help with an estimated 1.9 million civil legal problems annually.

In reality, the number of civil legal problems requiring legal help among low-income individuals in the United States is much greater.

Impactful as it is, we also know that the estimate of 1.9 million for the number of civil legal problems low-income individuals bring to LSC-funded organizations grossly underestimates the amount of need. It is impossible to know how much this number underestimates the broader need, but we know there are several reasons to expect it to be a gross underestimation. The most important reasons include the following:



Completing the intake process: LSC's 2021 Intake Census counts only problems that went through the full intake process to determine eligibility; this does not include situations in which people approach legal aid organizations in contexts without formal intake processes (e.g., help desks through community partnerships) or situations in which people do not make it through the intake process due to time constraints or other issues that arise.

Help-seeking behavior: Section Four of this report showed that low-income Americans seek legal help from any legal professional (not just legal aid) for an estimated 19% of their problems (25% of their problems with substantial impact), which would suggest that the 1.9 million estimate represents a very small slice of the actual civil legal need.

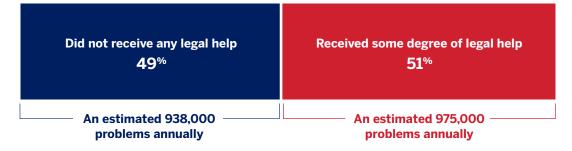
Limited universe: The 1.9 million figure corresponds only to the number of problems presented to legal aid organizations funded by LSC; while LSC is the largest funder of civil legal aid in the country, there are also many other legal aid organizations serving low-income communities that operate outside of LSC's network.

Providing Legal Help

LSC-funded organizations are able to provide some degree of legal help for about one-half of the eligible civil legal problems brought to them.

LSC's 2021 Intake Census data indicate that LSC-funded organizations are able to provide legal help for one-half (51%) of the eligible problems low-income individuals bring to them. See Figure 6A. This translates to nearly 1 million distinct civil legal problems over the course of a year.

Figure 6A. Percent of eligible problems receiving legal help from LSC-funded organizations⁷³



Percent of problems | n=146,724



With the resources currently available, LSC-funded organizations are able to provide legal help for one-half of the legal problems brought to their doors.

Legal help is generally provided through one of three forms: information and resources, brief services and advice, or extended services.

Table 6A provides an overview of the level and types of legal help legal aid organizations provide. The figures in the table represent the percent of eligible civil legal problems served that receive each type of legal help, according to LSC's 2021 Intake Census. The table shows that LSC-funded organizations provide extended services for about one in five (21%) of the eligible civil legal problems they are able to serve. They provide brief services and advice to about one-half (51%) of the problems they serve and general information and self-help resources to 28%.

Table 6A. Legal help provided by LSC-funded organizations⁷⁴

General information and self-help resources 28% of problems	Providing general legal information and self-help materials related to an individual's type of civil legal problem. Examples: Giving guidance on how to complete legal forms/documents. Explaining the requirements on how to file for custody or apply for benefits.			
Brief services and advice	8 · · · · · · · · · · · · · · · · · · ·			
51% of problems	Examples:Providing advice about how to handle a custody hearing.Writing a demand letter to a landlord to repair a rented home.			
Extended services 21%	This includes a wide variety of legal assistance specific to an individual's civil legal problem that requires extensive attention.			
of problems	Examples:Preparing complex legal documents (e.g., advance directives, appeals for benefits, real estate documents).			
	• Representing a client in court, in administrative proceedings, or in interactions with third parties.			



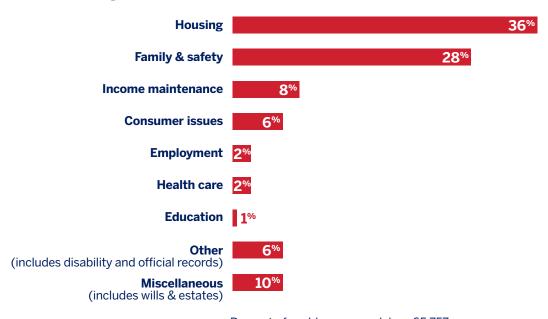
The level of legal help an organization dedicates to a given problem depends on at least two factors: the type of help needed in order to resolve a problem and the resources available to meet that need.

Problems related to housing and to family and safety make up nearly two-thirds of all the problems receiving legal help from LSC-funded organizations.

Figure 6B shows the distribution of problems receiving legal help across problem categories. This distribution is based on the LSC's 2021 Intake Census data, but it is worth noting that it tracks very closely with LSC's recent Grantee Activity Reports data and the pattern of the total case services provided by LSC-funded organizations in recent years.⁷⁵

Nearly two-thirds (64%) of all the problems receiving legal help from LSC-funded organizations are either related to housing (36%) or related to family and safety (28%). Readers might recall from Section Three of this report that while these are not the most common types of problems experienced by low-income Americans (see Figure 3B), they are the types of problems most likely to have a substantial impact (see Figure 3D). Additionally, LSC-funded organizations often prioritize these types of problems in the case acceptance guidelines they develop in order to maximize the potential impact of the limited resources at their disposal.⁷⁶

Figure 6B. Distribution of the types of problems receiving legal help from LSC-funded organizations⁷⁷



Percent of problems served | n=65,757



Problems related to housing and family/safety make up the majority of problems receiving legal help from LSC-funded organizations.

Even when they are able to provide legal help, LSC-funded organizations often lack the resources to help people fully resolve their civil legal problems.

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Given the resources available, LSC-funded organizations are often unable to provide enough legal help to fully resolve people's civil legal problems. Indeed, they are not able to provide all the legal help needed for an estimated 44% of the problems they serve. This estimate is based on organizations' reports of whether they have already provided enough help to fully resolve a problem or whether they expect to be able to do so given the resources they can devote to it. See Figure 6C.

Figure 6C. Percent of problems served that will receive enough legal help to resolve the issue⁷⁸

NOT ENOUGH Not expected to receive enough legal help to resolve problem 44%

ENOUGH Expected to receive enough legal help to resolve problem 56%

An estimated 428,000 problems annually

An estimated 547,000 problems annually

Percent of problems served | n=74,795

Client **Story**



Eleanor • Ohio • Employment. The pandemic upended Eleanor's work providing entertainment for weddings and other local events. At first, she did not panic - trusting that unemployment insurance (UI) would help her stay afloat until things went back to normal. When her application for UI was repeatedly denied, she did not know how she would make ends meet. She did not seek legal help at first because she did not think she could afford it. A friend referred her to the Legal Aid Society of Cleveland (LASC), where attorneys helped her successfully appeal for UI and helped her get back on her feet.

Intake-based Measurement of the Justice Gap

Due to limited resources, LSC-funded legal aid organizations are unable to provide any legal help for about one-half of the eligible civil legal problems brought to their doors.

Figure 6A showed that LSC-funded organizations are not able to provide any legal help to 49% of the eligible problems brought to them. This translates to an estimated 938,000 problems turned away over the course of a year. More than one-half (52%) of these problems are turned away because they fall outside of the priority guidelines organizations develop to maximize use of limited resources. Another 18% fall within the priority guidelines but are turned away due to insufficient funds to provide service.

The remaining 30% are turned away for reasons that are best described as ways that people can often "fall through the cracks." These are civil legal problems that organizations hope to be able to serve but are unable to due to difficulty maintaining contact with the potential client (or some other similar challenge). Securing legal help and following through with the many tasks required is a cumbersome process; this is true for anyone, and even more so for individuals and families who are also dealing with the challenges of poverty. With sufficient resources to dedicate to intake, follow-up, and additional hands-on support for people expressing a need for legal help, legal aid organizations could avoid – or at least minimize – losing these opportunities to serve people's legal needs.

LSC-funded organizations are unable to provide any or enough legal help for an estimated 1.4 million eligible problems brought to their doors over the course of a year.

In Section Four, we used the 2021 Justice Gap Measurement Survey data to generate a survey-based measure of the justice gap. That measure focused on the extent to which low-income Americans received any or enough legal help for all of their civil legal problems. Here, we use LSC's 2021 Intake Census data to generate another measure of the justice gap. This measure focuses on the extent to which LSC-funded organizations are able to provide any or enough legal help for the civil legal problems low-income individuals bring to their doors.

As already established, LSC's 2021 Intake Census indicates that low-income individuals likely seek legal help from LSC-funded organizations for more than 1.9 million problems annually. Seven out of every 10 (71%) of these problems will either not receive any legal help or not receive enough legal help to be fully resolved. Over the course of a year, this translates to an estimated 1.4 million problems that will not get any or enough legal help. Table 6B summarizes the various data points that inform this intake-based measure of the justice gap.



LSC-funded organizations are unable to provide any or enough legal help to resolve an estimated 1.4 million eligible problems brought to their doors in a year.

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Table 6B. Components of the intake-based measure of the justice gap⁷⁹

	Count from LSC's 2021 Intake Census	Proportion of eligible problems	Annual estimate
Total eligible problems	147,000	100%	1,913,000
Problems receiving some but not enough help	33,000	22%	428,000
Problems not receiving any legal help	72,000	49%	938,000
Problems not receiving any or enough legal help (i.e., the intake-based justice gap measure)	105,000	71%	1,366,000

Client **Story**



Pippa • Alabama • Employment. When the pandemic hit, Pippa could no longer start her new job as a census collector for the U.S. Census Bureau; her job offer was suspended indefinitely. Unable to find any other work during the pandemic, she was struggling financially. Her application for Pandemic Unemployment Assistance (PUA) was denied under the assumption that her inability to work was not caused by the pandemic. Legal Services Alabama helped her collect the documentation and make the case that the suspension of her job offer was indeed caused by the pandemic. Pippa was approved for PUA, which helped her make ends meet until her census collector job eventually started.



Impact of the COVID-19 Pandemic

The pandemic presented new challenges for the ways LSC-funded organizations reach and serve low-income individuals and families.

Like most other office-based organizations, most LSC-funded organizations went remote starting in the spring of 2020. The shift to remote work had important implications for many areas of their work, including the following:



Resources. Many organizations had to invest substantial resources in "teching up" for remote work - acquiring new technology and equipment, training staff on how to use it, and establishing new protocols to manage communication and data systems. Fortunately, the financial cost of most of these technological upgrades was largely covered by the funding LSC received under the CARES Act. However, the transition to remote work used other resources (e.g., staff's time) that would have otherwise been dedicated to providing legal services.



Courts. Throughout the country, many courts closed or moved to virtual formats for a period of time during the pandemic. This had wide-reaching consequences for legal aid organizations. For example, this led to backlogs in the courts that are still affecting how quickly civil legal cases are processed to this day. Additionally, both legal aid attorneys and their clients had to figure out how to effectively navigate court proceedings held online. This was particularly challenging for clients, many of whom have limited access to the internet.



Outreach and education. Organizations had to figure out new ways to conduct outreach and education in their communities. This work focuses on raising awareness about individuals' rights, how to find legal help, and general information about common civil legal issues - and had traditionally been done mostly in person. During the pandemic, many organizations recast parts of their outreach efforts into virtual events and social media activity. The pandemic also led some organizations to create new community partnerships or to strengthen existing ones as a way to reach more people.

Likely owing in large part to the above challenges, LSC-funded organizations ended up closing fewer cases in 2020 compared to the prior year. It is important to note, however, that this decrease in cases does not generalize across all types of problems. Indeed, compared to 2019, LSC-funded organizations actually closed more cases related to income maintenance, employment, and domestic violence during the first year of the pandemic.80



This snapshot shares results from LSC's 2021 Intake Census for each of the four U.S. Census regions. All estimates are based on the information provided by LSC-funded organizations in each region during the four-week intake census conducted in October of 2021. The unit of analysis is problems.



Midwest

Approximately 417,000 eligible problems brought to LSC-funded organizations annually.

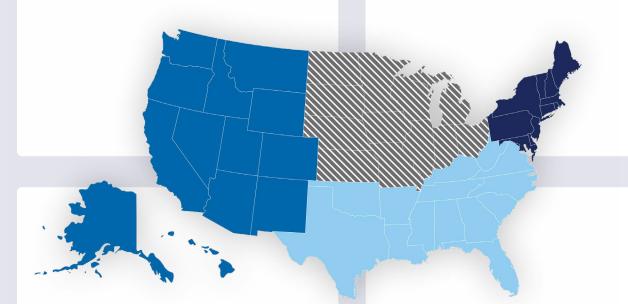
They are unable to provide any or enough legal help for 73% of these problems.



Northeast

Approximately 387,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 72% of these problems.





West

Approximately 407,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 78% of these problems.



South

Approximately 655,000 eligible problems brought to LSC-funded organizations annually.

They are unable to provide any or enough legal help for 69% of these problems.

SPECIAL FOCUS

This snapshot shares information about the types of cases and people served by LSC-funded legal aid organizations as they relate to the six subpopulations of interest in this report. With the exception of the information shared about rural areas, these snapshot figures come from a preliminary analysis of LSC's 2021 Grantee Activity Reports data. The unit of analysis varies.⁸¹



Seniors

In 2021, LSC-funded organizations provided legal help to **138.000** seniors.



Rural Areas

In partnership with Equal Justice Works, LSC has placed **190** law student fellows in **64** legal aid organizations serving rural clients through the Rural Summer Legal Corps (RSLC) program since 2016.



Veterans

In 2021, LSC-funded organizations provided legal help to **36,000** veteran households.



People with High Housing Costs

In 2021, LSC-funded organizations handled more than **300,000** cases related to housing.



Children (<18 yrs)

In 2021, LSC-funded organizations served households that included more than 730,000 children combined.



Domestic Violence

In 2021, LSC-funded organizations closed more than **148,000** cases involving domestic violence.



Endnotes

- ¹While not common, the right to counsel for civil legal matters exists in some places and for some types of legal matters. For example, the right to counsel exists for eviction cases in the states of Connecticut, Maryland, and Washington and in several cities. For the most up-to-date information on the civil right to counsel, see: http://civilrighttocounsel.org/.
- ²The regional categorization used by the U.S. Census Bureau can be found here: https://www2.census. gov/geo/pdfs/maps-data/maps/reference/us_regdiv.pdf.
- ³ We define these groups in the following ways for the purposes of this report: "seniors" typically refers to people who are 65 years or older, though information based on LSC's Grantee Activity Reports treats anyone 60 years old or older as a "senior;" "veterans" refers to anyone who has served in the military, military reserves, or national guard; for survey data, "rural" refers to nonmetro counties as coded in the U.S. Department of Agriculture (USDA) Economic Research Service's 2013 Rural-Urban Continuum Codes (see: https://www.ers.usda.gov/data-products/rural-urban-continuum-codes/ documentation/); for U.S. Census data, "rural" refers to nonmetro areas; "children" refers to individuals under 18 years old; for survey data, "recent survivors of domestic violence" refers to individuals who report having experienced domestic violence in the past 12 months; someone is considered to have "high housing costs" if they spend more than 50% of their household income on housing expenses (consistent with the definition used by the U.S. Department of Housing and Urban Development).
- ⁴The client stories are based on information that LSC-funded organizations have shared with LSC to provide examples of how the provision of legal assistance impacted clients.
- ⁵ Note that some of the client stories featured in this report are also featured in study-related videos hosted on the study website: justicegap.lsc.gov. The clients featured in the videos authorized the use of their images and names for the purposes of the videos.
- ⁶ See NORC's 2021 Justice Gap Measurement Survey technical report for details about the differences between the 2017 and 2021 surveys; this report can be found on the study website: justicegap.lsc.gov.
- ⁷ Source: U.S. Census Bureau, Table: Poverty Thresholds for 2021 by Size of Family and Number of Related Children Under 18 Years (accessed in April 2022); the household income for a family of four assumes the family consists of two adults under 65 years old with two dependent children, and the household income for an individual assumes the individual is under 65 years old.
- ⁸ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV46: Poverty Status by State: 2020 (accessed in March 2022).
- ⁹ An estimated 87% of the general U.S. population lives in a metropolitan area; source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV40 (by region): Age, Sex, and Household Relationship of People by Region and Residence – Ratio of Income to Poverty Level: 2020 (accessed in March 2022).
- ¹⁰ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV40: Age, Sex, and Household Relationship of People by Region and Residence -Ratio of Income to Poverty Level: 2020 (accessed in March 2022).
- ¹¹ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020 (accessed in March 2022).
- ¹² Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020 (accessed in March 2022).
- ¹³ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POVO4: Primary Families by Age of Householder, Number of Children, and Family Structure: 2020 (accessed in March 2022).



¹⁴ Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV01: Age and Sex of All People, Family Members and Unrelated Individuals: 2020 (accessed in March 2022).

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- ¹⁵ Source: U.S. Census Bureau, 2019 American Community Survey (ACS); estimates were produced through IPUMS USA database (accessed March 2022): Ruggles, S., Flood, S., Foster, S., Goeken, R., Pacas, J., Schouweiler, M., Sobek, M. 2021. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS.
- ¹⁶ See, for example: Chen, J. T., & Krieger, N. 2021. Revealing the Unequal Burden of COVID-19 by Income, Race/Ethnicity, and Household Crowding: US County Versus Zip Code Analyses. Journal of Public Health Management and Practice: JPHMP, 27 Suppl 1, COVID-19 and Public Health: Looking Back, Moving Forward, S43-S56; Quan, D., Luna Wong, L., Shallal, A., Madan, R., Hamdan, A., Ahdi, H., Daneshvar, A., Mahajan, M., Nasereldin, M., Van Harn, M., Opara, I. N., & Zervos, M. 2021. Impact of Race and Socioeconomic Status on Outcomes in Patients Hospitalized with COVID-19. Journal of General Internal Medicine, 36(5), 1302-1309; Finch, W. H., & Hernández Finch, M. E. 2020. Poverty and Covid-19: Rates of Incidence and Deaths in the United States During the First 10 Weeks of the Pandemic. Frontiers in Sociology, 5, 47.
- ¹⁷ With the help of the Institute for Research on Poverty at the University of Wisconsin-Madison, the Office of the Assistant Secretary for Planning & Evaluation (ASPE) in the U.S. Department of Health & Human Services (HHS) produced a brief summarizing the impact of the first year of the pandemic on low-income families: "The Impact of the First Year of the COVID-19 Pandemic and Recession on Families with Low Incomes" (September 2021) (https://aspe.hhs.gov/sites/default/files/2021-09/low-incomecovid-19-impacts.pdf).
- ¹⁸ Source: U.S. Census Bureau, Household Pulse Survey, Week 43 (March 2 14). Tables: Employment Table 1, Food Sufficiency and Food Security Table 1, Health Table 2a, and Housing Table 1b (accessed in
- 19 Source: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC). Table POV40: Age, Sex, and Household Relationship of People by Region and Residence -Ratio of Income to Poverty Level: 2020 (accessed in March 2022).
- ²⁰The information on this page that pertains to seniors, households with children, and people in rural areas come from: U.S. Census Bureau, Current Population Survey, 2021 Annual Social and Economic Supplement (CPS ASEC), various tables (accessed in March 2022); the information pertaining to veterans comes from: U.S. Census Bureau, 2019 American Community Survey (ACS) and the estimates were produced through IPUMS USA database (accessed March 2022): Ruggles, S., Flood, S., Foster, S., Goeken, R., Pacas, J., Schouweiler, M., Sobek, M. 2021. IPUMS USA: Version 11.0 [dataset]. Minneapolis, MN: IPUMS; the information that pertains to people with high housing costs comes from: U.S. Census Bureau, 2019 American Housing Survey (AHS) using the AHS Table Creator in March 2022 (national 2019 housing costs by household income, no filters); the information that pertains to survivors of domestic violence comes from: Bonomi, A. E., Trabert, B., Anderson, M. L., Kernic, M. A., & Holt, V. L. 2014. Intimate partner violence and neighborhood income: a longitudinal analysis. Violence against women, 20(1), 42-58.
- ²¹ Source: 2021 Justice Gap Measurement Survey; results based on count of respondents' reports of problems personally experienced and experienced by others in household in the past year from among 81 distinct problems. Note that a given problem can only be counted once per household. For a full list of the 81 problems, see the questionnaire on the study website: justicegap.lsc.gov.
- ²² Source: 2021 Justice Gap Measurement Survey; for information about how specific problems were categorized into problem types, see NORC's 2021 Justice Gap Measurement Survey technical report on the study website: justicegap.lsc.gov.
- ²³ Source: 2021 Justice Gap Measurement Survey; n = 1,194 homeowner households.
- ²⁴ Source: 2021 Justice Gap Measurement Survey; note that the prevalence rate of experiencing a problem related to disability is 16% for households with someone who either has a disability or cares for a loved one who does (n=1,152 households).



²⁵ For example, see: Pleasence, P., Balmer, N.J., Buck, A., O'Grady, A., and Glenn, H. 2004. Multiple justiciable problems: common clusters, problem order and social and demographic indicators. *Journal of Empirical Legal Studies*, 1(2): 201-329; Desmond, Matthew. 2017. *Evicted: Poverty and Profit in the American City.* Penguin Books; Tobin Tyler, E., Lawton, E., Conroy, K., Sandel, M. and Zuckerman, B. 2011. *Poverty, Health and Law: Readings and Cases for Medical-legal Partnerships*. Durham, NC: Carolina Academic Press.

- ²⁶ Note that, here, "eviction households" refers to households for which a respondent reported that they or another household member had experienced a civil legal problem related to eviction in the past year (e.g., falling behind on rent or receiving an eviction notice); likewise, "domestic violence households" refers to households for which a respondent reported that they or another household member had experienced domestic violence of some sort in the past year.
- ²⁷ Source: 2021 Justice Gap Measurement Survey; note that the estimates for eviction households reflect problems *in addition to* eviction-related ones (problems related to eviction are not included in the count); the same is true for estimates for domestic violence households they are *in addition to* problems involving domestic violence.
- ²⁸ Source: 2021 Justice Gap Measurement Survey; Q4A Q4E; Q4A: Overall, how much would you say this problem has negatively affected you or others in your household? Q4B Q4E: How much has this problem negatively affected the [impact area] of/for you or any other person in your household? Impact areas: physical health or safety, mental or emotional health, financial situation, relationships with family members and others); response options for Q4A Q4E: severely, very much, moderately, slightly, not at all. Note that survey items Q4B Q4E were not presented to respondents who answered "not at all" to Q4A; to produce the proportions in this figure for the entire low-income sample of individuals, we assume these respondents would have answered "not at all" to Q4B Q4E and code them accordingly (this increases the denominator used in estimates and potentially leads to an underestimation of the proportion of people who were substantially impacted in those specific areas).
- ²⁹ Source: 2021 Justice Gap Measurement Survey; the results in this figure are based on Q4A (see previous endnote for question wording and response options). For a given category, the percentage reported reflects the proportion of individuals among all who personally experienced at least one problem in that category who indicated that at least one problem in the category had negatively affected them "very much" or "severely" overall.
- ³⁰ Source: 2021 Justice Gap Measurement Survey; Q3: Do you think this problem was related to the COVID-19 pandemic or circumstances surrounding the COVID-19 pandemic? Response options: yes, no, not sure. For each set of individuals (differentiated by characteristics of their households), the percentage reported reflects the proportion of individuals among all those in the set who personally experienced at least one problem who indicated that at least one of their personally experienced problems was related to the COVID-19 pandemic. Note that "households with children < 12 yrs" are actually households with parents of children < 12 years old; it is possible that the children do not actually live in the same household.
- 31 Source: 2021 Justice Gap Measurement Survey.
- ³² Source: 2021 Justice Gap Measurement Survey; note that we consider a respondent's household to have "recent domestic violence" if the respondent indicated that they or someone else in the household had experienced a problem involving domestic violence in the past 12 months; note also that "households with children (<18 yrs)" are actually households with parents of children < 18 years old; it is possible that the children do not actually live in the same household.
- ³³ Note that several estimates related to seeking legal help in this section differ from those presented in NORC's technical survey report because our analysis includes some observations that were not included in the analysis informing that report; more specifically, we include cases where the respondent initially said they did not speak with a legal professional in Q5, but later indicated that they had unsuccessfully tried to speak a legal professional in Q6.
- ³⁴ Source: 2021 Justice Gap Measurement Survey; we count a respondent as having sought legal help for any problem for which they answered "yes" to Q5 or "I tried, but I wasn't able to talk to a legal professional" to Q6. Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no. Q6: Why haven't you talked to a lawyer or other legal professional about this problem? I tried, but I wasn't able to talk to a legal professional.



35 This finding is consistent with 2017 results – but note that the 2017 Justice Gap report discussed problems related to children and custody as separate from other family matters.

- ³⁶ Source: 2021 Justice Gap Measurement Survey; 05 and 06 (see endnote 34).
- ³⁷ Source: 2021 Justice Gap Measurement Survey; Q8: What kind of legal help did you want when you decided to talk to a lawyer or other legal professional? Response options: learning where to look for legal information online; help filling out a legal document or form; handling communication with the other people involved in the issue (including demand letters); legal advice about your specific situation and what actions you should take; help negotiating with the other people involved in the issue; representation by a lawyer or other legal professional in court, including filing court documents; other; none of the above. Note: these estimates correspond only to the set of respondents who said that they spoke to a legal professional for a given problem in Q5; it does not include people who indicated that they tried to speak to someone but were not able to do so in Q6.
- 38 Source: 2021 Justice Gap Measurement Survey; Q10: As of today, have you been able to get as much legal help with this issue as you wanted? Response options: yes, no; base n=1,059 problems.
- ³⁹ Source: 2021 Justice Gap Measurement Survey; Q10 (see previous endnote); base n=635 problems.
- ⁴⁰ For more information about this survey-based measure of the justice gap including how it might underestimate or overestimate the justice gap – please see the additional information provided on the study website: justicegap.lsc.gov.
- ⁴¹ Reminder: As discussed in the "about the data" information for this section, the number of problems considered was capped at 10 problems per respondent; readers can find additional information on the study website: justicegap.lsc.gov.
- ⁴² This is based on items Q5 and Q6 in the 2021 Justice Gap Measurement Survey.
- ⁴³ This is based on item Q10 in the 2021 Justice Gap Measurement Survey.
- ⁴⁴ Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- ⁴⁵ Source: 2021 Justice Gap Measurement Survey; Q2 (see previous endnote).
- ⁴⁶ See NORC's 2021 Justice Gap Measurement Survey technical report for a discussion of the measurement strategy for these survey items, including a consideration of the utility of agreement scales in this case.
- ⁴⁷ Source: 2021 Justice Gap Measurement Survey; Q16 Q18: To what extent do you agree or disagree with the statement below? People like me are able to use the civil legal system to protect and enforce their rights; people like me are treated fairly in the civil legal system; the civil legal system can help people like me solve important problems like those discussed in this survey. Response options: strongly agree, somewhat agree, neither agree nor disagree; somewhat disagree; strongly disagree. Numbers do not total to 100% due to rounding and a small percent of respondents who did not provide a response.
- ⁴⁸ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Numbers do not total to 100% due to rounding and a small percent of respondents who did not provide a response.
- ⁴⁹ Source: 2021 Justice Gap Measurement Survey; n=1264; Q6: Why haven't you talked to a lawyer or other legal professional about this problem? I was worried about the cost.
- ⁵⁰ Source: 2021 Justice Gap Measurement Survey; n=110* (*small base); Q11: Why haven't you gotten all the legal help you wanted? Too expensive to get more help.
- 51 Source: 2021 Justice Gap Measurement Survey; n=946; Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no.
- ⁵² Source: 2021 Justice Gap Measurement Survey; Q6, n=621 respondents; 38% and 33% of low-income Americans offered these reasons, respectively, to explain why they did not seek help for one or more of their COVID-attributed problems.



- ⁵³ Source: 2021 Justice Gap Measurement Survey.
- ⁵⁴ Source: 2021 Justice Gap Measurement Survey; results regarding seeking legal help come from items Q5 and Q6; results regarding receiving any or enough help are based on the survey-based justice gap measure.

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- ⁵⁵ Source: 2021 Justice Gap Measurement Survey; results regarding seeking legal help come from items Q5 and Q6; results regarding receiving any or enough help are based on the survey-based justice gap measure; note that "households with children (<18 yrs)" are actually households with parents of children < 18 years old; it is possible that the children do not actually live in the same household.
- 56 Note that these figures are based on the poverty guidelines for the 48 contiguous states and the District of Columbia; they are separate guidelines for Hawaii and Alaska.
- ⁵⁷ Source: 2022 Poverty Guidelines from the Department of Health and Human Services as published in the Federal Register (January 21, 2022), Vol. 87, No. 14 (https://www.govinfo.gov/content/pkg/FR-2022-01-21/pdf/2022-01166.pdf).
- 58 Source: 2021 Justice Gap Measurement Survey; Q5: At any time while you were dealing with this problem, did you do any of the following? Talk to a lawyer or legal professional about the problem. Response options: yes, no.
- ⁵⁹ Source: 2021 Justice Gap Measurement Survey; this impact differential was calculated by subtracting the percent seeking help for problems with less impact from the percent seeking help for problems with substantial impact for each income group. See Table 5B for the numbers used in the calculation.
- 60 Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- 61 Source: 2021 Justice Gap Measurement Survey; this impact differential was calculated by subtracting the survey-based justice gap measure for problems with less impact from the survey-based justice gap measure for problems with substantial impact for each income group. See Table 5C for the numbers used in the calculation.
- ⁶² Source: 2021 Justice Gap Measurement Survey; O2: In your opinion, is this a type of problem that a lawyer or other legal professional could help resolve? Response options: yes, no, not sure.
- ⁶³ Source: 2021 Justice Gap Measurement Survey; Q16 Q18: To what extent do you agree or disagree with the statement below? People like me are able to use the civil legal system to protect and enforce their rights; people like me are treated fairly in the civil legal system; the civil legal system can help people like me solve important problems like those discussed in this survey. Response options: strongly agree, somewhat agree, neither agree nor disagree; somewhat disagree; strongly disagree. See NORC's 2021 Justice Gap Measurement Survey technical report for a discussion of the measurement strategy for these survey items. Figure reports percent saying they strongly agree or somewhat agree.
- ⁶⁴ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Figure reports percent saying they are at least somewhat confident.
- ⁶⁵ Source: 2021 Justice Gap Measurement Survey; Q3: Do you think this problem was related to the COVID-19 pandemic or circumstances surrounding the COVID-19 pandemic? Response options: yes, no. not sure. n=1,466 for <=125% of FPL, n=549 for >=400% of FPL.
- 66 Source: 2021 Justice Gap Measurement Survey; additional details on how the survey-based estimates of the justice gap were produced can be found on the study website: justicegap.lsc.gov.
- ⁶⁷ Source: 2021 Justice Gap Measurement Survey; Q15: How confident are you that you would be able find a lawyer or other professional that you could afford if you needed help on a serious civil legal problem, such as preventing an eviction, foreclosure, or the loss of custody of a child? Response options: extremely confident, very confident, somewhat confident, not too confident, not at all confident. Figures in this snapshot reflect the percent saying they are at least somewhat confident.
- 68 Source: 2021 Justice Gap Measurement Survey; see previous endnote. Also note that "households with children (<18 yrs)" are actually households with parents of children < 18 years old; it is possible that the children do not actually live in the same household.



⁶⁹ Note that while the overwhelming majority of individuals served by LSC-funded organizations have household incomes at or below 125% of FPL, LSC regulations allow funds to be used to serve individuals with incomes up to 200% of FPL; see 45 CFR § 1611.5(a) (3) and (4).

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- ⁷⁰ For information about current statutory and regulatory restrictions on the use of LSC funds, please see the overview on LSC's website: https://www.lsc.gov/about-lsc/laws-regulations-and-guidance/lscrestrictions-and-other-funding-sources.
- 71 It is important to note that, for the purposes of this analysis and report, we exclude requests for assistance that were not accepted due to conflicts of interest. These cases are technically "eligible" based on the criteria presented in this report, but LSC-funded organizations are nonetheless unable to serve them due to conflicts of interest. These cases constitute a very small portion of the overall requests for assistance. Note that other LSC publications include these cases in their analysis and estimates and therefore might have slightly different estimates.
- ⁷² Throughout this section, all counts and estimates include "pending" cases; organizations have determined that these cases were eligible for assistance, but had not yet determined whether or how much service the cases would receive. There were 17,730 pending cases (out of a total of 146,724 eligible cases). For the purpose of this analysis, these cases were distributed proportionately across service
- 73 Source: LSC's 2021 Intake Census.
- 74 Source: LSC's 2021 Intake Census.
- ⁷⁵ For example, see Figure 4.2A in LSC's 2020 "By the Numbers" publication; Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. LSC By the Numbers: The Data Underlying Legal Aid Programs (2020). Legal Services Corporation, Washington, D.C.
- ⁷⁶ LSC-funded organizations conduct comprehensive legal needs assessments in their communities on a regular basis to inform these guidelines.
- ⁷⁷ Source: LSC's 2021 Intake Census. These figures reflect only the cases for which the level of service was determined (i.e., pending cases are not included).
- 78 Source: LSC's 2021 Intake Census.
- ⁷⁹ Source: LSC's 2021 Intake Census; the counts and estimates are rounded to the nearest thousand. Annual estimates are projected counts for the entire year, assuming that the intake census four-week period represents a typical four-week period for intake activity. The annual estimates were produced this way: (count) x (52.14/4) = annual estimate.
- 80 Source: Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. LSC By the Numbers: The Data Underlying Legal Aid Programs (2020). Legal Services Corporation, Washington, D.C.
- 81 The information corresponding to the cases, households, and individuals served by LSC-funded organizations in 2021 comes from LSC's preliminary analysis of 2021 Grantee Activity Report (GAR) data. GAR is the largest and longest-running data collection effort on civil legal aid in the United States. Since 1976, LSC has recorded and reported data from grantees in a variety of ways. Topics include grantee staffing, finances, case services, and more. Data collection occurs in the first quarter of each year. LSC reports GAR data in its annual "By the Numbers" publication; the 2021 publication is forthcoming. The information about the Rural Summer Legal Corps program comes from: Lim, L., Layton, J., Abdelhadi, S., Bernstein, D., Ahmed, R. 2021. LSC By the Numbers: The Data Underlying Legal Aid Programs (2020). Legal Services Corporation, Washington, D.C.





For more information:

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EXHIBIT E

From: Shayla R. Myers To: Jessica Mariani

arlene.hoang@lacity.org; Elizabeth Mitchell; Matthew Umhofer; Michele; Carol Sobel; Brooke Weitzman; Cathy Cc:

Sweetser; Mira Hashmall; Lauren M. Brody; Ana Lai

RE: [Caution: External Sender] - Re: LA Alliance v. City of Los Angeles, City-created beds Subject:

Thursday, October 10, 2024 11:46:00 AM Date:

Attachments: image001.png

Jessica,

Thank you for your response to my email. I reviewed the documents you provided, your email response, and the settlement, and none answer my core question, which is what the City has to contribute to a "housing or shelter opportunity" for the City to count it towards its settlement obligation.

My question stems from the fact that the City is required to "create" new housing and shelter opportunities, but by the same token, as you point out, the agreement also allows the City to count privately-funded shelters towards its "creation" of new shelter and housing. So it's unclear, in the event the City counts a privately-funded bed, why the City would be considered to have "created" that unit.

For example, with Proposition HHH-funded units, the City's contribution is clear. According to the City's last quarterly report, that accounts for 4929 of the open and in progress units. But there are a significant number of other buildings on the list that are not funded by Proposition HHH and for which the City did not provide documentation. For example, the City has listed the Venice Dell project, but that project is being developed by Venice Community Housing and as you're well aware, the City has been sued for obstructing the development of the project. Yet the City still considers it beds it has "created" for purposes of the agreement.

In addition, you provided us documentation for another approximately 1000 beds in response to my last email, some of which are listed as projects already counted and others are new projects not yet counted by the City. I appreciate the reports, but I would note that those reports don't fully answer the question about the City's contributions. For example, 4969 Sunset Blvd. in CD 13 is a proposed interim site that is owned by Volunteers of America, who will also operate the site. Pursuant to the MOU, the County will be paying the operating expenses for the site. It is unclear, then, what the City has done to "create" this shelter, such that it is covered by the LA Alliance agreement.

Per the City's last quarterly report, there are approximately 3481 additional units that are non-Proposition HHH units and not covered by the reports you provided to us. The examples I've given, as well as the fact that we don't have information for approximately 3500 other units bring me back to my original question, which I posed at the prior hearing and you agreed to answer. What contribution does the City have to make for a project to be for the City count it as one it has "created" for purposes of the settlement? Is it the expenditure of funds? We are not asking on a project-by-project basis, but rather, the standard the City is applying to

determine which housing and shelter opportunities it "creates."

Thanks in advance for your clarification on this point.

Shayla

Shayla Myers | Senior Attorney
Legal Aid Foundation of Los Angeles
1550 W. 8th St., Los Angeles, California 90017
213.640.3983 direct | 213.640.3988 facsimile
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From: Jessica Mariani < jessica.mariani@lacity.org>

Sent: Monday, September 30, 2024 9:28 AM **To:** Shayla R. Myers <SMyers@lafla.org>

Cc: arlene.hoang@lacity.org; Elizabeth Mitchell <elizabeth@umklaw.com>; Matthew Umhofer <matthew@umklaw.com>; Michele <michele@michelecmartinez.com>; Carol Sobel <carolsobellaw@gmail.com>; Brooke Weitzman <bweitzman@eldrcenter.org>; Cathy Sweetser <catherine.sdshhh@gmail.com>

Subject: [Caution: External Sender] - Re: LA Alliance v. City of Los Angeles, City-created beds

Shayla,

The provision I referred to during the last hearing is Section 3.2 of the City's Settlement Agreement, which lays out a non-exhaustive list of the types of solutions the City may choose, at its sole discretion, subject to Constitutional requirements and legal mandates. That section also provides that "[t]he housing or shelter solutions may be government- and/or privately-funded".

In response to your questions regarding City contribution to the beds being created pursuant to the settlement, please see the attached funding reports, which provide the Office of the City Administrative Officer's funding recommendations for certain units being counted toward the settlement obligation. More information about PSH beds being created by the City (including those being counted toward the settlement) can also be found on LAHD's website at: https://housing2.lacity.org/housing/hhh-progress-dashboard

Please let us know if you have any questions.

Jessica Mariani Deputy City Attorney Office of the Los Angeles City Attorney **Business & Complex Litigation** 200 N. Main Street, Room 675 Los Angeles, CA 90012 (213) 978-6952

On Wed, Sep 25, 2024 at 12:18 PM Shayla R. Myers < SMyers@lafla.org wrote:

Document 1022-7

ID #:29350

Counsel,

At the last hearing for the LA Alliance litigation, I asked what contribution the City must make towards a new bed or unit in order for the City to count it as a bed/shelter opportunity it has "created" for purposes of inclusion towards the Settlement Agreement milestones. Jessica agreed to provide that information to the parties. To date, we have not received it. Can you please provide it to us this week?

Also, Jessica indicated that the Settlement agreement includes information about what counts towards the Milestones. As I noted at the hearing, I am unaware of any provisions that provide the information. If you can let me know where the information to which you were referring is located in the agreement, I would appreciate it.

Thanks, and I look forward to receiving the information you agreed to provide the parties.

Best,

Shayla Myers | Senior Attorney **Legal Aid Foundation of Los Angeles** 1550 W. 8th St., Los Angeles, California 90017 213.640.3983 direct | 213.640.3988 facsimile www.lafla.org | smyers@lafla.org



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1	Shayla R. Myers (SBN 264054)					
$_{2}$	Isabelle M. Geczy (SBN 349594)					
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13	Attornaya for Intomorphy					
14	Attorneys for Intervenors Additional Counsel listed on next page					
15	UNITED STATES DISTRICT COURT					
16	CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION					
17						
	LA ALLIANCE FOR HUMAN	CASE NO.: 20-CV-02291-DOC-KES				
18	RIGHTS, et. al. Plaintiff(s),	Hon. David O. Carter				
19		DECLADATION OF CAROL A COREL				
$_{20}$	V.	DECLARATION OF CAROL A. SOBEI ISO INTERVENORS' MOTION FOR				
	City of Los Angeles, et. al.	AWARD OF ATTORNEYS' FEES				
21	Defendant(s).	[Filed Concurrently herewithin Intervenors				
22		Motion for Award of Attorneys' Fees, Declaration of Shayla Myers]				
23		Declaration of Shayta Myers				
24						
25		Action Filed: March 10, 2020				
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I, CAROL A. SOBEL, declare:

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I am an attorney admitted to practice before the Supreme Court of California and the United States District Court for the Central District of California, among other federal courts. I have personal knowledge of the facts herein and, if called to testify to those facts, could and would do so competently.

DECLARATION OF CAROL A. SOBEL

- 2. I graduated from law school and was admitted to practice in 1978. Following 20 years with the ACLU Foundation of Southern California, I entered private practice in April of 1997. My practice primarily involves complex civil rights litigation, focusing on the rights of homeless persons, First Amendment rights and police practices. Exhibit 1 is my resumé.
- 3. I received many awards for my legal work over the years. In 2008, I was named a California Lawyer of the Year (CLAY) for civil rights by California Lawyer Magazine. That same year, I was also named as one of the Top 75 Women Litigators in California by the Daily Journal Corporation. In 2007, I received an Angel Award from California Lawyer Magazine for pro bono work and was also named by the Daily Journal as one of the Top 100 Most Influential Lawyers in California. In 2013 and again in 2014, I was named one of the top 50 women lawyers in Los Angeles. I am named as a Superlawyer in the area of First Amendment or civil rights litigation consistently for more than a decade. Additional recognition of my legal work is set out in my attached resumé.
- For the six years prior to 1997, I was a Senior Staff Counsel in the legal 4. department of the ACLU Foundation of Southern California. During that time, I was responsible for preparing many of the fee motions in cases where the ACLU represented the prevailing party. Because the ACLU does not bill clients on an hourly basis for its services, I was required to obtain information to establish reasonable market rates for the ACLU lawyers. It was my practice to obtain current billing rates for lawyers of comparable skill and experience at several firms throughout the City. I did this on an annual basis, contacting partners familiar with the ACLU lawyers in question so that they

- could assess the comparable skill levels of attorneys at their firms to establish ACLU billing rates. At the time that I consulted these individuals, I was aware that the partners had been personally involved in pro bono litigation with the ACLU and worked directly with the ACLU lawyers for whom I sought to establish market billing rates, so they were able to assess the skill and experience of the ACLU lawyers.
- 5. As a sole practitioner, I assess a reasonable market rate by comparison to lawyers of comparable skill and experience at other firms in the Los Angeles area, as I did when I was at the ACLU. Since entering private practice, I continue to survey firms each year to obtain relevant information for rates. As part of my survey, I obtain information concerning rates for attorneys in larger law firms engaged in complex litigation, as well as smaller boutique civil rights law firms.
- 6. I also review fee applications and awards in other cases than my own. Specifically, I regularly review fee applications submitted by, and awards to, private attorneys practicing civil rights law, as well as court awards to the ACLU, Disability Rights Legal Center ("DRLC"), Public Counsel, Western Center on Law and Poverty ("WCLP"), and other public interest groups in Los Angeles. Because many cases brought by public interest groups are co-counseled by attorneys at private commercial firms, I see those billing rates as well.
- 7. When I become aware of a case where statutory fees are sought, I obtain fee applications and any resulting awards from on-line public records for the courts, as well as from legal research databases such as LEXIS and Westlaw. Included in my review of fee applications and awards are those by, and awards to, large firms engaged in complex litigation to assess customary billing rates for these firms. Many of these commercial firms also serve as pro bono counsel on occasion. I estimate that I review around 100 or more fee motions, supporting declarations and fee awards annually and have done so for more than 30 years. If I am preparing a declaration for a specific jurisdiction, I search for recent fee awards for comparably skilled and experienced attorneys in that legal market.
 - 8. I do not charge to provide a fee declaration, although I do suggest that, if

successful, the attorneys in private civil rights practices donate to a non-profit legal organization.

- 9. I believe I am extremely qualified to provide declarations for the civil rights bar and the non-profit legal community because of my work at the ACLU and in private practice since 1978, my adjunct teaching at Loyola Law School for the past 18 years, and my role in organizing legal representation for large-scale legal actions. For example, at the request of the ACLU of Georgia, I organized the initial representation of nearly 1,000 Mariel Cubans in immigration hearings after they were transferred to federal prisons in Southern California following an uprising over conditions and prolonged detention at the Atlanta Federal Penitentiary in the late 1980s. Ultimately, the USC Criminal Law Clinic took over responsibility; however, in the initial rounds of hearings, I recruited dozens of law students from UCLA, Loyola and USC and supervised them in representing the Mariel Cubans at administrative hearings. Many of them are employed now at various public interest and civil rights groups in Los Angeles.
- 10. I also organized attorneys and students to represent about 5,000 high- school students in Southern California charged in juvenile court as truants after they walked out of school to protest the proposed Sensenbrenner immigration bill in Congress in 2005. Through all this work, I am familiar with a significant portion of civil rights and public interest law students and lawyers in Los Angeles and am able to assess their skill, experience and reputation based on my professional interactions with them.
- 11. In addition, unlike most other attorneys providing "expert" evidence of market rates, I have extensive experience in a broad range of civil rights litigation, including, among other areas, Public Records Act Requests, employment law, First Amendment Church/State law, free speech and assembly, anti-SLAPP litigation, homelessness litigation, excessive force, false arrest and class actions. As my resumé demonstrates, I successfully brought landmark cases in these and other civil rights subject areas, including a state-wide class-action on behalf of women's health-care providers in California against the anti-abortion group Operation Rescue. *National Abortion*

- 12. For example, in *Jones v. City of Los Angeles*, 2014 U.S. App. LEXIS 6640 (9th Cir. Apr. 10, 2014), (subsequent citation on vacatur upon settlement omitted), first filed in 2003, the groundwork was laid for *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019). When *Jones* was filed, I faced three cases in the Ninth Circuit and one at the California Supreme Court, as well as multiple lawsuits across the country, all unsuccessful in striking policies criminalizing homelessness and replicating *Pottinger v. City of Miami*, 720 F. Supp. 955 (S.D. Fla. 1989), *aff'd*. 40 F.3d 1155 (11th Cir. 1994). Although the *Jones* case has now been rejected by the Supreme Court in *Grants Pass v. Johnson*, (2024), the legal theory I developed to protect the rights of unhoused persons was successfully applied around the country for more than two decades.
- 13. In *National Abortion Federation*, the district court dismissed the action pursuant to *Bray v. Alexandria Clinic*, 506 U.S. 263 (1993), holding the first two clauses of the Ku Klux Klan Act, 42 U.S.C.S. § 1985 did not state a claim for relief. The Circuit reversed and remanded, finding the district court erred in denying Plaintiffs' move to amend to add a claim under 42 U.S.C.S. § 1985(3), the "hindrance" clause. 8 F.3d at 685-87.
- 14. My declarations in support of fee applications for civil rights and public interest attorneys have been cited repeatedly by courts as evidence of reasonable market rates. Most recently, my declaration was cited favorably in support of an award of fees in *HIT & MISS ENTERPRISES, INC.*, Case 2:18-cv-09996-WLH-SSC, [Doc. 138] (C.D. Cal. Feb. 11, 2025). In September 2023, my declaration was cited with approval for both rates and methodology in an award of attorney fees in *Mickail Myles v. County of San Diego*, Case No. 3:15-cv-01985-JAH-BLM (S.D. Cal. 2023). [Doc. 484, p.7]. The motion in *Myles* was filed in late 2022 in San Diego. Earlier in 2023, my declaration was cited with approval in *Valenzuela v. City of Anaheim*, Case No. SACV 17-00278-CJC (DFMx)

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(C.D. Cal. 2023) [Dkt. 462], and the companion case of Craig v. City of Anaheim, SACV 17-02094-CJC (DFMx) (C.D. Cal. 2023) [Dkt. 280], on behalf of the Galipo law firm. My declaration was also cited with approval in and D. R., a minor v. Redondo Beach Unified School District, Case No. 21-56033 (9th Cir. Aug. 2023). In Nadarajah v. Holder, 569 F.3d 906, 912-914 (9th Cir. 2009), the Ninth Circuit referenced my declaration with approval in support of attorney's fees for the ACLU under the Equal Access to Justice Act ("EAJA"). In Torrance Unified School District v. Magee, 2008 U.S. Dist. LEXIS 95074 (C.D. Cal. 2008), granting IDEA fees pursuant to 20 U.S.C. <u>\$1415(i)(3)(c)</u>, the Court cited my declaration as persuasive evidence of market rates. In Atkins v. Miller, CV 01-01574 DDP (C.D. Cal. 2007), Judge Pregerson cited my declaration and that of Barry Litt to support the requested rates. *Id.* at pp. 8-9 and n.4. Additional cases in which my declaration was cited favorably include, among others, Charlebois v. Angels Baseball LP, SACV 10-0853 DOC (C.D. Cal. May 30, 2012); Orantes-Hernandez v. Holder, 713 F. Supp. 2d 29,963-64 (C.D. Cal. 2010); Hiken v. DOD, 2013 U.S. Dist. LEXIS 118165 (N.D. Cal. Jan. 14, 2013), Hiken v. DOD, 836 F.3d 1037 (9th Cir. 2016); Vasquez v. Rackauckas, 2011 U.S. Dist. LEXIS 83696 (C.D. Cal. 2011); Rauda v. City of Los Angeles, 2010 U.S. Dist. LEXIS 138837 (C.D. Cal. 2010); Jochimsen v. County of Los Angeles, supra; Dugan v. County of Los Angeles, cv-11-08145 CAS (C.D. Cal. Mar. 3, 2014); Flores v. City of Westminster, SA-CV-11-0278 DOC (C.D. Cal. Oct. 23, 2014); Xue Lu v. United States, 2014 U.S. Dist. LEXIS 77789 (C.D. Cal. May 23, 2014); Wagafe v. Trump, Case 2:17-cv-00094-RAJ [Doc. 223] (W.D. Wash. 02/27/19); Webb v. Officer J. Ackerman, 13-cv-01992 PLA (C.D. Cal. Jan. 4, 2018) [Doc. 180, p.5]; and Carrillo v. Schneider Logistics, awarding fees in Circuit Case No. 12-55042 (9th Cir. Apr. 2014), following the affirmance of a preliminary injunction (See 501 Fed. Appx. 713, 2012 U.S. App. LEXIS 26601 (9th Cir. Dec. 28, 2012); and Gomez-Sanchez v. Barr, sub nom Gomez-Sanchez v. Sessions, 892 <u>F.3d 985</u> (9th Cir. 2018), awarding EAJA fees to the ACLU. In *Jochimsen*, a unanimous court held I was qualified as an expert on market rates in California.

- 15. I also litigated statutory fee issues at the appellate level in several cases, including *Tipton-Whittingham v. City of Los Angeles*, 34 Cal. 4th 604 (2004), the companion case to *Graham v. Daimler-Chrysler*, 34 Cal. 4th 533 (2004), affirming continued vitality of the "catalyst" fee doctrine in California and affirming a nearly \$2 million fee award in 1999 in a multi-plaintiff sexual discrimination/harassment lawsuit on behalf of female employees of the Los Angeles Police Department. I was also counsel in *Jones v. City of Los Angeles*, 555 Fed. Appx. 659 (9th Cir. 2014), establishing entitlement to fees as a "prevailing party" based on the Circuit's necessary approval of a settlement that was, in turn, conditioned on vacatur of the panel decision.
- 16. I provide training on attorney fees best practices for civil rights and public interest firms, including the Legal Aid Foundation of Los Angeles and the ACLU. I also have done CLEs on attorney fees for the National Lawyers Guild and the National Police Accountability Project.
- 17. In addition, I have considerable experience reviewing and analyzing billing records in my own cases and in cases for which I provide a supporting declaration on the reasonableness of rates or hours. Many of these cases involve multiple attorneys and law offices. In my own cases, I am usually the attorney who conducts a review of all of the fee records and exercises billing judgment to eliminate any impermissible hours. This includes, among other issues, eliminating clerical tasks, unnecessarily duplicative items, improperly billed items and vague items. For example, in the *Tipton-Whittingham* case cited above, it was my responsibility to review the fee records covering six years of work for attorneys from three firms: the ACLU, the Western Regional Office of the NAACP Legal Defense Fund, and Litt & Associates. The unadorned lodestar in *Tipton* was approximately \$1,900,000.
- 18. In *Multi-Ethnic Immigrant Worker Network v. City of Los Angeles*, involving a police assault on a lawful demonstration in MacArthur Park on May Day, 2007, I performed a billing judgment on the fee records for all attorneys and support staff in the

case. Because the case was a hybrid class action, with both 300 individual plaintiffs and

a residual class of several thousand persons, the legal team was sizable. The fee approved

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in the case 25 years ago was \$3,713,000. In all the fee declarations I prepare, I apply my understanding of the decision in Blum v. Stenson, 465 U.S. 886 (1984), that "rates charged in private representations

may afford relevant comparisons." Id. at 895 fn. 11. I understand this to mean that fees for civil rights lawyers should approximate the rates charged by attorneys of comparable skill, experience and reputation in the relevant legal market, who are engaged in similarly complex litigation, regardless of whether the attorneys work for a non-profit, represent individuals on contingency, serve as in-house counsel, or charge a minimal rate with the

possibility of receiving a market rate award if successful. See Nadarajah, 569 F.3d at

- 20. I apply several additional principles to assess market rates. First, when available, I look at rates awarded to the attorneys in previous cases because I understand such awards are viewed as strong evidence of reasonable market rates. See Chaudhry v. City of Los Angeles, 751 F.3d 1096, 1111 (9th Cir. 2014); U.S. v. \$28,000 in U.S. Currency, 802 F.3d 1100, 1106 (9th Cir. 2015); Camacho v. Bridgeport Fin., Inc., 523 <u>F.3d 973, 976</u> (9th Cir. 2008). Past decisions where "a lawyer charges a particular hourly rate, and gets it, is evidence bearing on what the market rate is, because the lawyer and his clients are part of the market." Carson v. Billings Police Dept., 470 F.3d 889, 892 (9th Cir. 2008).
- 21. Next, I look to billing rates by attorneys engaged in similarly complex litigation as an approved method of setting market rates for civil rights attorneys who do not bill on an hourly basis. See Blum, 465 U.S. at 895; Camacho v. Bridgeport Fin., Inc., 523 F.3d 973, 980 (9th Cir. 2008) (approving use of declarations of other attorneys regarding prevailing rates in the relevant market and rates in other cases). I understand the market rate comparison "extends to all attorneys in the relevant community engaged in equally complex Federal litigation, no matter the subject matter." Prison Legal News

v. Schwarzenegger, 608 F.3d 446, 455 (9th Cir. 2010) (internal quotation omitted).

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- 22. When the specific rate evidence identified in the preceding paragraph is available, I usually do not rely on surveys because, in my opinion, they do not meet the standards for the lodestar analysis. In my experience, fee surveys report market rates in sweeping categories with no identification of the comparable skill, experience and reputation of the individual attorneys included in the survey and often no indication of the relevant legal market. *See, e.g., Shirrod v. Director, Office of Workers' Compensation Programs*, 809 F.3d 1082, 1089 (9th Cir. 2015) (reversing where the lower court relied on a national survey rather than local rates).
- 23. I do not apply rates billed by and paid to opposing counsel who are usually salaried, contract government attorneys, or retained insurance defense lawyers as they generally charge rates well below market and are paid win or lose, so they do not share the risk of fee-shifting statutes and other contingent fees. *See e.g., Shapiro v. Paradise Valley Unified School Dist.*, 374 F.3d 857, 866 (9th Cir. 2004) (government lawyers and retained defense attorneys generally bill at lower rates, so they do not reflect the same legal market).
- 24. Finally, I apply the rule that the relative "simplicity" or "complexity" of a case is reflected in the hours, not the lodestar rate. *See Van Skike v Director, Office of Workers' Compensation Programs*, 557 F.3d 1041, 1046 (9th Cir. 2009).
- 25. The most important factors in determining reasonable market rates are skill and experience. The size of the firm is not a determinative factor. In *Davis v. City & County of San Francisco*, 976 F.2d 1536, modified on other grounds, 984 F.2d 345 (9th Cir. 1993), the Court upheld rates for sole practitioners and non-profit law firm staff at those charged by "corporate attorneys of equal caliber." *Id.* at 1545; *see also Auer v. Robbins*, 519 U.S. 452 (1997) (market rates for comparably skilled attorneys not reduced based on firm size).
- 26. To support my opinion on the reasonableness of the fees sought by this motion, I attach fee awards and declarations in cases in the Los Angeles legal market.

Each is a true and correct copy of the document available in the Court's files. Some are now several years old, so they do not reflect current rates. In *Hiken v. DOD*, the court noted that "market rates in effect more than two years *before* the work was performed" are not current lodestar rates. 802 F.3d at 1107 (9th Cir. 2016) (emphasis in original). To adjust for rates more than two years old, I apply a minimum of a 3.1 percent increase, which was the average legal services component increase in the Consumer Price Index for Los Angeles before the pandemic. *See* http://www.bis.gov/news.release/cpi.102.htm (Table2.Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average by detailed expenditure category). For the last two years, I have used a slightly higher increase of five percent to reflect a rise in inflation rates. Even that increase is below what I observed for increases in the Los Angeles legal market at firms doing complex litigation.

- 27. My rate for 2025 is \$1,450 an hour. I have not filed a contested fee motion in several years other than to seek Court approval of the fees in class-action settlements, or to settle non-class cases. In 2024, the Court approved the rate of \$1,325 an hour for me in the final approval of a class action against the City of Santa Monica arising from the 2020 George Floyd protests. *Black Lives Matter, et al. v. City of Santa Monica, et al.*, 2:21-cv-05253-CAS-AJR [Doc 64].
- 28. In 2022, the Court approved a rate of \$1,150 an hour for me in *Shawn Carroll, et al. v. County of Orange, et al.*, Case No. 8:19-cv-00614 DOC-DFM (C.D. Cal.), a class-action challenging Orange County's regulations for determining eligibility to qualify for General Relief. [Doc. 40, p.5]. In the same case, the Court approved the 2022 rate of \$650 an hour for my co-counsel, Brooke Weitzman, then with 8 years of experience.
- 29. In May 2019, I used the rate of \$1050 an hour for the fees in *Mitchell v. City of Los Angeles*, Case No. 2:16-cv-01750-SJO-JPR (C.D. Cal.) and for a lodestar cross-check in a class action, *Chua v. City of Los Angeles*, Case 2:16-cv-00237-JAK-GJS (C.D. Cal.). Prior to 2019, I resolved attorney fees in several cases at rates of \$900 and \$975

an hour. My last court awarded fee in a contested motion was \$875 an hour in 2014 in *CPR for Skid Row v. City of Los Angeles*, 779 F.3d 1098 (9th Cir. 2015).

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30. I understand fees are sought by this motion for attorneys Shayla Myers, Catherine Sweetser, Isabelle Geczy and paralegal staff, as well as a law clerk. The chart of personnel and rates is set out below.

Name	Role	Graduation	Rate
Shayla Myers	Attorney	2008	\$1,025
Catherine Sweetser	Attorney	2008	\$1,025
Isabelle Geczy	Attorney	2022	\$ 600
Paralegal	n/a	n/a	\$ 275
Law clerk	n/a	2024	\$ 250

- 31. In my experience, the rates for counsel in this matter are well within the market rate for attorneys of their skill, experience and reputation in the public interest legal community but well below rates for comparably skilled and experienced attorneys at large firms engaged in complex litigation in the Los Angeles legal market. I have served as co-counsel with both Ms. Myers and Ms. Sweetser in multiple cases over the last 15 years or so, so I am very familiar with their work and consider it to be of the highest caliber.
- 32. Based on my personal knowledge, I am aware that Ms. Myers and Ms. Sweetser are both 2008 law graduates. Both clerked for federal circuit court judges. I also know Ms. Geczy and believe she is a 2022 graduate.
- 33. Attached at Exhibit 2 is the recent fee award by Judge Marshall to the law firm of Hadsell, Stormer, Renick and Dai in *Pineda v. City of Los Angeles*, Case 2:21-cv-06470-CBM-AS (C.D. Cal. April 19, 2024) [Doc. 195]. The motion was filed in 2023, seeking current market rates. The Court approved \$915 an hour for Morgan Ricketts. The Court's order notes that Ms. Ricketts is a 2009 law graduate. Ex.2, p. 7. I am very familiar with Ms. Rickett and reviewed the fee application submitted in *Pineda*. The rate sought

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for Shayla Myers and Catherine Sweetser is slightly more than 10 percent above the 2023 rate approved for Ms. Ricketts, which represents an annual increase of approximately three percent, below the cost of living increase over the same time period. It does not reflect a step increase for additional experience.

Document 1022-8

Page ID #:29364

- In *Pineda*, the Court also approved the 2023 rate of \$285 an hour for Tami 34. Galindo, a paralegal with the law firm. Ex. 2, p.4.
- Attached at Exhibit 3 is the 2024 order of final approval by Judge Snyder of 35. the class action against the City of Santa Monica arising from the 2020 George Floyd protests. Black Lives Matter, et al. v. City of Santa Monica, et al., 2:21-cv-05253-CAS-AJR [Doc 64], filed October 22, 2024. Among the attorneys for whom fees were approved is Erin Darling at the 2024 rate of \$975 an hour. I have known Mr. Darling since he was a law student and, based on my personal knowledge, believe him to be a 2008 graduate, the same year as Ms. Myers and Ms. Sweetser. The 2025 rate requested by this motion represents an increase of five percent above the approved 2024 rate for Mr. Darling.
- Attached at Exhibit 4 is the Declaration of Eric Rowen of Greenberg Traurig 36. in support of a motion for fees in Simons v. Superior Court ("Simons I"), LASC Case No. 19STCP01994. The motion sought fees at historical rates for 2018 and 2019 in a complex business matter. The lower Court's award was upheld on appeal in an unpublished decision available at 2022 Cal. App. Unpub. LEXIS 1854.

After the ruling by the appellate court, Greenberg Traurig filed a motion for additional

- attorney fees for the appeal ("Simons II"). Mr. Rowen filed a second declaration, setting out the firm's rates for 2020, 2021 and 2022. A true and correct copy of the declaration is at Exhibit 5. He averred that the 2021 rate for Matthew Gershman, a 2007 admittee, was \$935 an hour and the 2022 rate was \$990 an hour. Ex. 5, pp. 9, 12, ¶ 37, 48. In 2022, Mr. Gershman had 15 years of experience, two years less than Ms. Myers and Ms. Sweetser have in 2025.
- In Simons II, fees were also sought for Layal Bashara at the 2021 rate of 37. \$585 an hour. Mr. Rowen's declaration identified Ms. Bashara as a 2019 law graduate.

In 2021, she had two years of experience. The declaration also set out Ms. Bashara's 2022 rate of \$665 an hour, when she had three years of experience. *Id.* at p.12.

- 38. In *Herring Networks v. Rachel Maddow*, Case No. 19-cv-1713 BAS-AHG (S.D. Cal. 2020), Gibson Dunn submitted the declaration of Scott Edelman, listing the firm's customary billing rates in the Los Angeles legal market. A true and correct copy of the Edelman Declaration is attached at Exhibit 6. The *Herring Networks* case was an anti-SLAPP lawsuit before the Southern District of California. The motion sought fees for Nathaniel Bach, then a senior associate in the Los Angeles office at Gibson Dunn, at his customary 2019 rate in Los Angeles of \$915 an hour and his 2020 rate of \$960 an hour. Ex. 6, pp. 5-6. I reviewed Mr. Bach's listing on the State Bar and his current firm and, on that basis, concluded that he is a 2006 law graduate. In 2020, the year of the *Herring* award, Mr. Bach had 14 years of experience, three years less than Ms. Myers and Ms. Sweetser. Although the Court in *Herring* reduced Mr. Bach's rate to align with local market rates in San Diego, more recent awards to Mr. Bach support the reasonableness of the rates in this motion.
- 39. Attached at Exhibit 7 is the declaration of Nathaniel Bach submitted in support of an award of fees in Tracy Anderson Mind and Body, LLC v. Megan Roup, et al., Case No. 2:22-cv-04735-PSG-E (C.D. Cal. 2023), an anti-SLAPP case. In his declaration, Mr. Bach set out his standard 2022 rate of \$960 an hour and his standard 2023 rate of \$1,065 an hour, an increase of approximately 12 percent annually. Ex. 7, p. 5.
- 40. Among the attorneys at Manatt for whom fees were sought was Andrea Gonzalez. Her 2022 rate was \$620 an hour and her 2023 rate was \$655 an hour. *Id.* I reviewed Ms. Gonzalez's listing on the firm's website and, on that basis, believe she is a 2020 graduate of UCLA Law School. In 2023, Ms. Gonzalez had three years of experience, the same amount of experience as M. Geczy has now. The requested rate for Ms. Geczy is nearly 10 percent below Ms. Gonzalez's approved 2023 rate.
 - 41. In Exhibit 7, the Manatt firm includes the 2022 rate of \$395 an hour and the

2023 rate of \$455 an hour for a "Practice Support Specialist," which I understand to be a term describing a senior paralegal. Id., pp. 5-6.

The chart below sets out the rates referenced in my declaration.

Ex.	Attorney	Graduation	Award	Years	Rate
2	Morgan Ricketts	2009	2023	14	\$ 915.00
3	Erin Darling	2008	2024	16	\$ 975.00
3	Law students	n/a	2024	n/a	\$ 225.00
5	Matthew Gershman	2007	2021	14	\$ 935.00
5	Matthew Gershman	2007	2022	15	\$ 990.00
5	Layal Bishara	2019	2021	2	\$ 585.00
5	Layal Bishara	2019	2022	3	\$ 665.00
6	Nathaniel Bach	2006	2020	14	\$ 960.00
7	Nathaniel Bach	2006	2022	16	\$ 960.00
7	Nathaniel Bach	2006	2023	17	\$1,065.00
7	Andrea Gonzalez	2020	2022	2	\$ 620.00
7	Andrea Gonzalez	2020	2023	3	\$ 655.00
7	Practice Support Specialist	n/a	2022	n/a	\$ 395.00
7	Practice Support Specialist	n/a	2023	n/a	\$ 455.00

42. Based on the foregoing, I believe the rates sought by this motion, as well as the hours for which compensation is sought, are reasonable.

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

Executed this 6th day of August, 2025 at Los Angeles, California.

CAROL A. SOBEL

Carol Sobel

EXHIBIT 1

CAROL A. SOBEL

725 Arizona Avenue• Suite 300 • Santa Monica, CA 90401 • Tel. 310 393-3055 • Email carolsobellaw@gmail.com

Employment:

LAW OFFICE OF CAROL A. SOBEL Solo civil rights law firm.

APRIL, 1997 TO PRESENT

SENIOR STAFF COUNSEL

1990 to April, 1997

ACLU Foundation of Southern California

Responsible for conducting civil rights and civil liberties litigation in state and federal courts in California; supervise litigation by ACLU volunteer counsel and other ACLU legal staff.

STAFF ATTORNEY

1985 TO 1990

ACLU Foundation of Southern Califonria

Civil liberties litigation, primarily in the areas of Establishment Clause and Free Exercise violations, as well as other First Amendment rights.

ASSOCIATE DIRECTOR

1979 TO 1985

ACLU Foundation of Southern California American Civil Liberties Union of Southern California

Under the direction of the Executive Director, responsible for administration of two non-profit organizations, including working with Boards of Directors on development of policy on civil liberties issues. Engaged in litigation and assisted Legal Director in coordination and supervision of pro bono attorneys.

DEVELOPMENT DIRECTOR

1977 TO 1979

ACLU Foundation of Southern California American Civil Liberties Union of Southern California

Responsible for conducting a variety of fundraising efforts to meet a million-dollar plus annual budget for a 501(c)(3) and a 501(c)(4).

Admitted to Practice:

California Supreme Court November, 1978 United States Supreme Court September, 1991 Ninth Circuit Court of Appeals August, 1986 U.S.D.C. Central District of California February, 1986 U.S.D.C. Eastern District of California June, 1990

Litigation Experience:

Federal courts: (Partial listing of published opinions and significant cases)

CPR for SKID ROW,

779 F.3d 1098 (9th Cir. 2015)

Partial reversal of summary judgment in favor of the Defendant and holding that California Penal Code §403 could not lawfully be applied to criminalize the expressive activity of the Plaintiffs for protesting on Skid Row.

(Lead counsel and argued on appeal)

Desertrain v. City of Los Angeles

754 F.3d 1114 (9th Cir. 2014)

Reversal of summary judgment in favor of the Defendants and holding that Los Angeles Municipal Code §85.02, prohibiting parking a vehicle on public streets or parking lots any time of day or night if a person "lives" in the vehicle, is unconstitutionally vague. (Lead counsel and argued on appeal)

Document 1022-9

ID #:29369

Lavan v. City of Los Angeles

693 F.3d 1022 (9th Cir. 2012), affirming grant of preliminary injunction 797 F.Supp.2d 1005 (C.D. Cal. 2011)

Preliminary injunction barring City from confiscating and immediately destroying the property of homeless individuals on Los Angeles' Skid Row.

(Lead Counsel)

Long Beach Area Peace Network v. City of Long Beach

522 F.3d 1010 (9th Cir. 2008), as amended July 24, 2009

Upholding and reversing in part on appeal a decision of the district court granting Plaintiffs' request for a preliminary injunction to enjoin a municipal parade ordinance that included vague permit standards setting, inter alia, advance-notice requirements police charges based on the past unlawful conduct of third parties without adequate standards to limit the discretion of public officials charged with implementing the parade ordinance. (Lead counsel)

Fitzgerald v. City of Los Angeles

485 F.Supp.2d 1137 (CD CA 2008)

Extending injunction against police sweeps of homeless persons on Los Angeles' Skid Row on the grounds of searching for parole and probation violations. See below for discussion of permanent injunction in 2003. (Co-Counsel)

Multi-Ethnic Immigrant Worker Organizing Network (MIWON) v. City of Los Angeles

246 F.R.D. 621 (C.D. Cal. 2007)

Order granting class certification in challenge to police assault on a lawful assembly of immigrant rights supporters by the Los Angeles Police Department on May Day, 2007. (Class Co-Counsel)

Edward Jones, et al., v. City of Los Angeles,

444 F.3d 1118 (9th Cir. 2006), vacated pursuant to settlement 505 F.3d 1006 (2007)

Challenge to City of Los Angeles Municipal Code §41.18(d), prohibiting sitting, lying or sleeping on any street or sidewalk anywhere in the City at any time of day or night. Plaintiffs, all of whom are homeless persons, brought an 8th Amendment as-applied challenge to their arrests and citations for violating the ordinance when their was no available adequate shelter.

(Co-counsel)

Terry Tipton-Whittingham, et al. v. City of Los Angeles

316 F.3d 1059 (9thCir. 2003)

Challenge by City of Los Angeles to interim fee award granting plaintiffs' fees as "catalysts" under state civil rights fee shifting statutes. Following oral argument, the Ninth Circuit certified issue of continued availability of "catalyst" fees under California law after adverse decision by the United States Supreme Court rejecting catalyst fee doctrine under federal law absent express legislative authorization. Certified for hearing before the California Supreme Court and ultimately upheld the catalyst fee doctrine under California law. (Co-counsel; argued in Ninth Circuit)

Fitzgerald v. City of Los Angeles

2003 U.S. Dist. LEXIS 27382 (CD CA 2003)

Permanent injunction enjoining Fourth Amendment violations by the Los Angeles Police Department (LAPD). The injunction prevents the LAPD from engaging in stops of homeless persons for parole and probation sweeps on Skid Row without reasonable suspicion to believe that specific individuals are on parole or probation and subject to a search condition, or that the individual has engaged in, or is about to commit a crime. (Lead counsel)

Khademi v. South Orange County Community College District

194 F.Supp.2d 1011 (C.D. CA 2002)

First Amendment facial challenge invalidating college policy regulating time, place and manner of student speech on campus.

(Lead counsel)

Mardi Gras of San Luis Obispo v. City of San Luis Obispo

189 F. Supp.2d 1018 (C.D. Cal. 2002)

Preliminary injunction to enjoin a municipal parade ordinance that required lengthy advance-notice requirement and permitted high insurance and police charges based on the past unlawful conduct of third parties without adequate standards to limit the discretion of public officials charged with implementing the parade ordinance.

Bauer v. Sampson

261 F.3d 775 (9th Cir. 2001)

First Amendment challenge to disciplinary action against college professor for publication of an alternative newsletter criticizing elected and appointed public officials and disclosing wrongdoing by college officials and personnel. The college sought to discipline the professor for violating the district's policies on discrimination and work-place violence. The polices were declared unconstitutional as applied to the professor's speech.

H.C. v. Koppel

203 F.3d 610 (9th Cir. 2000)

Dismissal of federal civil rights action filed in federal court against state court judge and appointed counsel for minor in family law matter. Circuit held that Younger Abstention applied and non-custodial parent had adequate state court remedy.

Justin v. City of Los Angeles

2000 U.S. Dist. LEXIS (CD Cal. 2000)

Class action to enjoin police sweeps of homeless population on Los Angeles' Skid Row. Permanent injunction stipulated to in settlement following certification of the injunctive relief class. (Lead counsel)

Los Angeles Alliance for Survival, et al. v. City of Los Angeles

987 F. Supp. 819 (1997); 157 F.3d 1162 (9th Cir. 1998); on certification to the California Supreme Court, 22 Cal.4th 352 (2000); 224 F.3d 1076 (9th Cir. 2000)

Injunction issued in challenge to municipal ordinance barring so-called "aggressive solicitation" in broad areas of traditional public fora. Preliminary injunction entered by district court based on California Constitution. On appeal, the Ninth Circuit certified the California Constitution question to the California Supreme Court. Following decision by the California Supreme Court, the Ninth Circuit upheld the original injunction. (Co-counsel)

Service Employees International Union 660 v. City of Los Angeles

114 F. Supp.2d 966 (C.D. Cal. 2000)

Challenge to the "no-protest zone" at the Democratic National Convention in Los Angeles in 2000, as well as a preliminary injunction to enjoin the City of Los Angeles parade ordinance. (Co-counsel)

United States v. Wunsch

54 F.3d 579 (9th Cir. 1995);84 F.3d 1110 (9th Cir. 1996) (reargument)

First Amendment challenge to discipline of male attorney for "gender bias" in sending note to female Asst. U.S. Attorney after she successfully moved to disqualify him as defense counsel in a criminal case. Ninth Circuit invalidated the penalty and declared unconstitutional California's "offensive personality" regulation on attorneys' professional conduct. (Argued and briefed on appeal).

American Jewish Congress v. City of Beverly Hills

65 F.3d 1539 (9th Cir. 1995);90 F.3d 379 (9th Cir. 1996) (en banc)

First Amendment challenge to display of a religious symbol on public property and to permit scheme for expressive activities in public fora in the City of Beverly Hills. The en banc panel held the permit scheme unconstitutional and found that a preference had occurred for the display of a particular religious symbol. The en banc decision was unanimous. (Argued and briefed on appeal)

Baca v. Moreno Valley Unified School District

936 F. Supp. 719 (C.D. Cal. 1996)

First Amendment challenge to school board regulations preventing speakers from making disparaging remarks about public employees during public board meetings.

Wallin v. City of Los Angeles,

1194 U.S. App. LEXIS 2343 (9th Cir. 2004)

Circuit dismissed appeal of defendant City and law enforcement officers from denial of qualified immunity. Appellee, a female officer with the Los Angeles Police Department, alleged that appellants violated her right to equal protection, due process and right to petition the government because they violated LAPD confidentiality regulations and delayed the investigation into her allegations of co-worker rape.

(Lead counsel)

National Abortion Federation v. Operation Rescue

8 F.3d 680 (9th Cir. 1993)

Class-action state-wide injunction against blockades of women's health care clinics by anti-abortion activists. First case decided under the "frustrate and hinder" clause of 42 U.S.C. § 1985(3), the 1871 Ku Klux Klan Act. Appeals court held cause of action under "frustrate and hinder" clause was properly plead and reversed 12(b)(6) ruling on that claim.

(Co-lead counsel throughout; argued on appeal)

Hewitt v. Joyner

940 F.2d 1561 (9th Cir. 1991)

Establishment Clause challenge to Christian theme park, Desert Christ Park, owned and operated by San Bernardino County. Ninth Circuit held County ownership and operation of the park violated the Establishment Clause.

(Lead counsel throughout litigation; argued on appeal).

Standing Deer v. Carlson

831 F.2d 1525 (9th Cir. 1986)

First Amendment challenge for Native Americans at Lompoc Federal Penitentiary to regulation barring religious headbands in the dining facilities for purported health reasons.

(Argued and briefed on appeal)

Burbridge v. Sampson

74 F.Supp.2d 940 (C.D. Ca. 1999)

First Amendment challenge to community college policy regulating student speech in public fora on campus. Court issued a preliminary injunction, declaring the college's speech regulations unconstitutional.

Rubin v. City of Santa Monica

823 F.Supp. 709 (C.D. Ca. 1993)

First Amendment challenge to city permit scheme limiting access to public parks for protected expressive activities. Court issued a preliminary injunction and declared the permit scheme unconstitutionally on vagueness grounds and procedural due process grounds. (Lead counsel)

State Court

Terry Tipton-Whittingham, et al. v. City of Los Angeles

34 Cal.4th 604 (2002)

California continues to recognize "catalyst" fee awards to prevailing parties under the private attorney-general statute (Cal. Code of Civ. Proc. §1021.5) and Fair Employment and Housing Act (FEHA) despite change in federal civil rights fee-shifting law. Under California law, there is no requirement of a judicial determination establishing a change in the legal obligations of the parties.

(Co-counsel and argued at California Supreme Court)

Los Angeles Alliance for Survival v. City of Los Angeles

22 Cal.4th 352 (2000)

Ordinance restricting certain activity as "aggressive solicitation" was not content-based under California Constitution

(co-counsel)

Williams v. Garcetti

5 Cal.4th 561 (1993), sub nom Williams v. Reiner, 13 Cal.App.4th 392 (1991)

Challenge on due process grounds to portion of STEPP law which imposed a criminal penalty on parents of minor children engaged in or at risk of delinquent conduct.

(Argued and brief on appeal to California Supreme Court)

Sands v. Morongo Unified School District

53 Cal.3d 863, cert denied, 112 U.S. 3026 (1991)

225 Cal.App.3d 1385 (1989)

Establishment Clause challenge invalidating prayers at public high-school graduations.

(Argued and briefed as lead counsel throughout litigation)

Walker v. Superior Court of Sacramento

47 Cal.3d 112 (1988)

Establishment Clause/Free Exercise/Due Process challenge to criminal prosecution of Christian Science parents for death resulting from use of prayer instead of traditional medicine in treatment of ill child. (Wrote amicus brief on due process issues).

Irvine Valley College Academic Senate, et al. v. South Orange County Community College District

129 Cal.App.4th 1482 (2005)

Statutory construction of plain language of Education Code §87360, bolstered by legislative intent, requires actual joint agreement and mutual development of revisions to faculty hiring policies.

(co-counsel, drafted final briefs on appeal)

Fashion 21, et al. v. Coalition for Humane Immigrant Rights (CHIRLA), et al.

111 Cal.App.4th 1128 (2004)

Special motion to strike defamation complaint by retainer against garment worker advocates must be granted as the plaintiff retailer could not establish a probability of prevailing on the merits of their claims. Garment worker advocates properly relied on draft labor commission regulations suggesting retailer could be liable for sweatshop conditions of manufacturing of its retail goods.

(lead counsel at all stages)

Gonzalez v. Superior Court

33 Cal.App.4th 1539 (1995)

Challenge to discovery order in sexual harassment case requiring plaintiff to disclose name of confidential informant who provided her with photographic evidence of harassment. "After-acquired evidence" rule applied to require disclosure.

(Lead counsel in trial court and appeal)

Lantz. v. Superior Court of Kern County

28 Cal.App.4th 1839 (1994)

Privacy rights challenge to interpretation of Consumer Personnel Records Statute (CCP \S 1985(3), requiring strict adherence to statutory procedures and limiting exemption of local government agencies from adhering to statutory requirements.

(Lead counsel throughout litigation)

Rudnick v. McMillan

25 Cal.App.4th 1183 (1994)

Defamation verdict involving public figure plaintiff and local environmentalist author of letter to editor overturned on basis that letter was protected opinion and public figure subject to constitutional malice proof burden. Wrote amicus brief which formed basis of appellate ruling.

Westside Sane/Freeze v. Hahn

224 Cal.App.3d 546 (1990)

Challenge to restrictions on First Amendment petition activities in shopping center.

(Co-counsel, co-wrote appeal)

City of Glendale v. Robert George

208 Cal.App.3d 1394 (1989)

Reversal of trial court order imposing prior restraints on speech of "Presidential Santa" on the basis that he constituted a public nuisance to his neighbors in a residential area.

(Argued and briefed on appeal)

McCarthy v. Fletcher

207 Cal.App.3d 130 (1989)

Challenge to removal of textbooks from school reading list based on community-based religious objections. Court of Appeal reversed summary judgment decision, holding that there was sufficient evidence of constitutionally impermissible factors in evaluation of appropriateness of class-room reading materials.

(Argued and brief on appeal)

ID #:29373

Fiske v. Gillespie

200 Cal.App.3d 130 (1988)

Challenge to sex-based actuarial presumptions in insurance industry rate for particular types of life insurance and annuity benefits.

(Co-Counsel, Argued on appeal)

Publications:

(Partial listing)s

Catalyst Fees After Buckhannon Civil Rights Litigation and Attorney Fees Annual Handbook (January 2006)

Free Speech and Harassment: An Overview in the Public Employee Sector CPER: CALIFORNIA PUBLIC EMPLOYEE RELATIONS Institute of Industrial Relations - UC Berkeley June 1999 No. 136

Defeating Employer Defenses to Supervisor Liability After Ellerth and Faragher ADVOCATE, October 1998

Student Expression Under California Law UCLA Journal of Education Volume 3, pp. 127-137 (1989)

Should Attorneys Be Disciplined For Gender Bias Point/Counterpoint ABA Journal August, 1995

Fight Illegal Police Practices in State Court Los Angeles Daily Journal March 6, 1992

Judicial Oversight Limited by Supreme Court Los Angeles Daily Journal May 6, 1991

Jury Nullification is Conscience of Community Los Angeles Daily Journal August 31, 1990

A Basic Right Merits Shield From The Mob Los Angeles Times August 11, 1991 p.M5

Prop 115 revisited: Police charged with crimes deserve fair trials too Los Angeles Daily News May 7, 1991

Prayer Doesn't Belong at Graduation USA Today May 15, 1991 p. A10

Killea Tactic Can Only Hurt the Church in the Long Run Los Angeles Times (San Diego) November 20, 1989 p.B7

The Fifth is a Shield for All
Los Angeles Times
August 6, 1988 II8
(authored for Exec. Dir. ACLU)

Which Way Will Rehnquist Court Turn? Los Angeles Daily News June 18, 1986 p.21

Adjunct Professor - Loyola Law School

Constitution Exacts Cost for Religious Freedom Los Angeles Daily News June 8, 1986 FOCUS p.3

Education:

Peoples College of Law J.D. May, 1978

Douglass College.For Women, Rutgers University B.A. June, 1968

Professional and

Community Activities:

Civil Rights Advocacy Practicum

Blue Ribbon Panel on LAPD Rampart Inquiry, Member 2004-2006

Ninth Circuit Gender Bias Task Force 1992-1993 Convenor, Advisory Committee on Employment Law

Ninth Circuit Conference on "Ethnicity, Race, and Religion in the Ninth Circuit" 1993 Member, Working Subcommittee

Los Angeles Public Interest Law Journal 2007-present Advisory Board

2007-present

Los Angeles Center for Law and Community Action	2015-present
Member, Board of Directors	
National Police Accountability Project Member, Advisory Board and Board of Directors	2006-present
National Lawyers Guild, Los Angeles - President	2001-2008
National Lawyers Guild - National Executive Vice President	2009-2011
National Lawyers Guild Far West Regional Vice-President	2003-2005
National Lawyers Guild, National Executive Committee	2003-2012
NLG National Mass Defense Committee, Co-chair	2003-2012
Women Lawyers Association of Los Angeles Member, ProChoice Committee	1985-2002
The California Anti-SLAPP Project Member, Board of Directors	1995-2010

Awards:

(Partial listing)

PEN Freedom to Write Award	1991
American Jewish Congress Tzedek Award	1992
Planned Parenthood Los Angeles, Distinguished Service Award	1990
Freethought Heroine Award	1992
National Lawyers Guild - Los Angeles	1999
ACLU of Southern California Pro Bono Attorney Award	2001
Asian Pacific American Legal Center Pro Bono Award	2003
California Lawyer: Super Lawyer -Civil Rights/Constitutional Law	2004-2019
ACLU of Southern California Freedom of Expression Award	2007
Daily Journal Top 100 Most Influential Lawyers in California	2007

National Lawyers Guild - Ernie Goodman Award	2007
Angel Award - California Lawyer Magazine Award for pro bono work	2007
CLAY Award (California Lawyer of the Year - civil rights) - California Lawyer Magazine	2008
Top 75 Women Litigators in California - Daily Journal	2008, 2013
California Super Lawyers - Top 50 Women Lawyers in Southern California	2014
National Lawyers Guild, Los Angeles Law for the People Award	2014
ACLU Lifetime Achievement Award	2017

EXHIBIT 2

Document 1022-10 Page ID #:29377

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 CENTRAL DISTRICT OF CALIFORNIA 8 9 CHRISTIAN PINEDA, Case No.: 2:21-cv-06470-CBM-ASx 10 Plaintiff, **ORDER RE: PLAINTIFF'S** 11 v. **MOTION FOR ATTORNEYS' FEES** 12 CITY OF LOS ANGELES; et al., AND NON-TAXABLE COSTS [181] 13 Defendants. 14 15 The matter before the Court is Plaintiff's Motion for Attorneys' Fees and 16 Non-Taxable Costs. (Dkt. No. 181 (the "Motion").) The matter is fully briefed. 17 (Dkt. Nos. 182, 187.) 18 BACKGROUND I. 19 On May 29, 2020, Plaintiff sustained injuries to his left side while moving 20 21 backwards with his arms and hands up while attending a protest in Los Angeles. **Complaint** 22 **A.** On August 11, 2021, Plaintiff filed this action asserting First Amendment 23 and Fourth Amendment claims under 42 U.S.C. § 1983 against the City of Los 24 Angeles, Chief Michel More, and Officer Colton Haney and seeking damages, 25 declaratory judgment and attorneys' fees. Id. (Dkt. No. 1.) Plaintiff also brought 26 Monell claims against the City for unconstitutional policy, practice, or custom, 27 ratification, and failure to train, supervise, discipline, or correct. *Id.* 28 1

B. Trial and Jury Verdict

On April 19, 2023, the Case proceeded to trial on Plaintiff's First and Fourth Amendment claims against Officer Haney and Plaintiff's *Monell* claims against the City of Los Angeles and Chief Michel Moore. (Dkt. No. 138.) On April 27, 2020, the jury returned its verdict. The jury found in favor of Plaintiff on his Fourth Amendment claim and his *Monell* claim against the City for failure to properly train its officers to handle the usual and recurring situations with which they would have to deal. (Dkt. No. 171.) The jury awarded Plaintiff \$85,000 in compensatory damages. While the jury found that Plaintiff proved Officer Haney acted with malice, oppression, or reckless disregard for Plaintiff's rights, they did not award punitive damages.

II. STATEMENT OF THE LAW

Plaintiffs seek an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988. Section 1988 provides that in a Section 1983 action, "the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs." 42 U.S.C. § 1988. "The purpose of [Section] 1988 is to ensure 'effective access to the judicial process' for persons with civil rights grievances." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). (quoting H.R.Rep. No. 94-1558, p. 1 (1976)).

"The Supreme Court has instructed that [t]he initial estimate of a reasonable attorney's fee is properly calculated by multiplying the number of hours reasonably expended on the litigation times a reasonable hourly rate,' an approach commonly known as the 'lodestar.' Method." *Vargas v. Howell*, 949 F.3d 1188, 1194 (9th Cir. 2020) (internal quotation marks and citation omitted). "Reasonable hourly rates are to be calculated according to the prevailing market rates in the relevant community." *Id.* (internal quotation marks and citation omitted.) "The hours expended and the rate should be supported by adequate documentation and other evidence." *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998)),

overruled on other grounds by Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 388 (2011). The party seeking an award of attorneys' fees bears the burden of establishing the reasonableness of the hourly rates requested. *Camacho v. Bridgeport Fin., Inc.,* 523 F.3d 973, 980 (9th Cir. 2008).

III. DISCUSSION

A. Prevailing Party

A "prevailing party 'should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." Ackerley Commc'ns, Inc. v. City of Salem, Or., 752 F.2d at 1394 (quoting Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400, 402 (1968)). Plaintiffs "may be considered 'prevailing parties' for attorney's fees purposes if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit." Hensley v. Eckerhart, 461 U.S. 424, 433 (1983) (internal quotation mark and citation omitted); see also 42 U.S.C. § 1988. Defendants contest that Plaintiff is the prevailing party, and request that the Court exercise its discretion not to award attorneys' fees because Defendants prevailed on Plaintiff's First Amendment claims and on all claims against Chief Michel Moore. However, Plaintiff prevailed on his Section 1983 excessive force claim against Defendant Haney and his Section 1983 Monell claim against the City for failure to train. Accordingly, Plaintiff is the prevailing party for purposes of Section 1983.

B. Lodestar

Plaintiff seeks \$1,257,522.30 in attorneys' fees. Plaintiffs seek the following:

Attorney/Biller		Hours	Hourly	Lodestar x .9
			Rate	
Dan Stormer	Attorney	239.3	\$1,400	\$335,020
Morgan Ricketts	Attorney	325.8	\$915	\$298,107
Shaleen Shanbhag	Attorney	80.5	\$800	\$64,400

David Washington	Attorney	845.6	\$700	\$591,920
Tami Galindo	Paralegal	385	\$280	\$107,800
SUBTOTAL		1,876.2		\$1,397,247 x 90%
TOTAL				\$1,257,522.30

1. Reasonable Hourly Rate

"Reasonable hourly rates are to be calculated according to the prevailing market rates in the relevant community." *Vargas*, 949 F.3d at 1194 (internal quotation marks and citation omitted). "[T]he established standard when determining a reasonable hourly rate is the rate prevailing in the community for similar work performed by attorneys of comparable skill, experience, and reputation." *Camacho*, 523 F.3d at 979 (internal quotation marks and citation omitted). "To inform and assist the court in the exercise of its discretion, the burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney's own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Id.* at 980 (quoting *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)). Thus, the district court "must base its determination" of the prevailing market hourly rate "on the *current* market rate." *United States v.* \$28,000.00 in U.S. Currency, 802 F.3d 1100, 1107 (9th Cir. 2015) (emphasis in original).

Plaintiff submits declarations from Paul Hoffman and V. James DeSimone demonstrating comparable attorneys' fee rates in the Central District for attorneys with similar experience to Plaintiff's counsel. (Declaration of Paul Hoffman ("Hoffman Decl."); Declaration of V. James DeSimone ("DeSimone Decl.").) Mr. Hoffman has practiced law in Los Angeles since 1976 and is the Director of the Civil Rights Litigation Clinic at UC Irvine Law School. (Hoffman Decl. ¶ 2.) From 1984 to 1994, Mr. Hoffman was the Legal Director of the ACLU

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Foundation of Southern California and litigated hundreds of civil rights cases. (*Id.*) Mr. Hoffman declares that over the past 47 years, he has become familiar with the rates charged by lawyers in the Los Angeles community. (*Id.* \P 4.) Mr. Hoffman has known Mr. Stormer for more than 40 years and has litigated cases with him. (Id. ¶ 5.) Mr. Hoffman declares that Mr. Stormer is one of the premier civil rights lawyers in California, and given his expertise, background and reputation, Mr. Hoffman believes \$1,400 an hour is a reasonable hourly rate. (Id. ¶ 5.) Mr. Hoffman further declares that he has known Ms. Rickets for nearly ten years and referred a civil rights case to her when she was first beginning to practice in the field. (Id. ¶ 6.) Ms. Ricketts has consulted Mr. Hoffman on civil rights cases, including Ninth Circuit argument. (Id.) Based on Ms. Ricketts' experience, skill level, and ability as a civil rights attorney in Los Angeles, Mr. Hoffman believes an hourly rate of \$915 is reasonable. (*Id.*) As to Mr. Washington, Mr. Hoffman declares that while he has not worked with Mr. Washington, he understands that Mr. Washington is a 2015 law school graduate who clerked for the District of Puerto Rico. (Id. ¶ 7.) Mr. Hoffman believes that a rate of \$700 per hour is within the standard range of rates charged in the community for work by an attorney of this level of experience. (*Id.*) Plaintiff also submits the declaration of V. James DeSimone who has practice law in Los Angeles since 1985. (DeSimone Decl. ¶ 2.) Mr. DeSimone declares that he has litigated civil rights cases since 1990. (Id. ¶¶ 2-3.) He has authored numerous articles and taught seminars on civil rights and speaks often at bar association events. (Id. \P 5.) Mr. DeSimone declares that he is familiar with the rates charged by plaintiffs' attorneys throughout California as he has had to survey them in connection with fee applications each year. (Id.at ¶ 8.) Mr. DeSimone further declares that rates of similarly trained attorneys for complex civil litigation such as civil rights cases vary from \$350 to \$1500 an hour. (Id. ¶ 16.) As a lawyer with thirty-five years of experience, Mr. DeSimone's hourly rate

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is \$1,100, which he believes to be on the lower end of the range. (*Id.*) Mr. DeSimone has known Mr. Stormer for over thirty years and has co-counseled cases with him. (Id. ¶ 18.) Mr. DeSimone declares that Mr. Stormer's hourly rate is in line with rates currently being charged by attorneys in large firms of comparable or lesser skill and experience in specialized litigation groups. (*Id.*) Further, he declares that he is aware that attorneys with Mr. Stormer's skills, experience, and abilities charge anywhere from \$1,100 to \$1,800 per hour for plaintiff's side litigation. (Id. ¶ 19.) Mr. DeSimone has known Ms. Ricketts for about ten years and believes her hourly rate is in line with fees charged by trial attorneys in civil rights cases at her skill and experience level. (*Id.* ¶ 20.) The Declarations of DeSimone and Hoffman evidence that Dan Stormer is considered a leading civil rights attorney. (See DeSimone Decl. ¶ 18; Hoffman Decl. ¶ 5.) Plaintiff also submits declarations attesting to the reputation, skill, and experience of Plaintiff's counsel. (See e.g., Declaration of Dan Stormer ("Stormer Decl."); Declaration of Morgan Ricketts ("Ricketts Decl."); Declaration of Clay Washington ("Washington Decl.").) Mr. Stormer declares that he has practiced law for 49 years and is a founding partner of the law firm Hadsell Stormer Renick & Dai LLP, which practices primarily in the areas of employment discrimination, constitutional, civil rights, international human rights, and public interest law. (Stormer Decl. ¶ 2.) Among his many accolades, Mr. Stormer has co-authored three law review articles, wrote a monthly column for the Matthew Bender California Labor and Employment Bulletin, has been the subject of numerous legal media profiles, taught legal programs, and received numerous awards in recognition of his skills in civil rights cases. (*Id.* ¶¶ 6-8.) Additionally, on February 22, 2024, in Pederson, et al. v. The County of Plumas, et al., 2:89-1659 (E.D. Cal. filed Dec. 4, 1989), a Court in the Eastern District of California awarded Plaintiffs attorneys' fees, including \$6,000 for 4 hours billed by Mr. Stormer at his hourly rate of \$1,500. (Dkt. No. 194, March 29, 2024 Declaration

1 of David Washington ¶¶ 2, 4.) Thus, Plaintiff's requested rate of \$1,400 per hour 2 for Mr. Stormer is supported. 3 Morgan Ricketts served as counsel in the case and during trial. Ms. 4 Ricketts graduated from the Harvard Law School in 2009, has litigated civil rights 5 cases since 2013, and has first-chaired at least ten jury trials. (Ricketts Decl. ¶ 2.) 6 Ms. Ricketts estimates litigating twenty to thirty plaintiff's civil rights cases. (*Id.*) 7 Plaintiff submitted declarations attesting to her skill and experience. (See 8 DeSimone Decl. ¶ 20; Hoffman Decl. ¶ 6.) The Court finds her requested rate of 9 \$915 reasonable and supported by the evidence. 10 David Washington served as counsel in the case and during trial. Mr. 11 Washington has been practicing for eight years, first as a Federal Defender, then 12 as a Civil Rights Fellow with the Southern Poverty Law Center, where he declares 13 he litigated the largest class action lawsuit ever brought against the Alabama 14 Department of Corrections. (Washington Decl. ¶ 6-8.) Additionally, in *Pederson*, 15 2:89-1659 the district court awarded Plaintiffs' attorneys' fees, including 16 \$110,460 for 157.8 hours billed by Mr. Washington at his 2023 hourly rate of 17 \$700. (Dkt. No. 194, March 29, 2024 Declaration of David Washington ¶¶ 2, 4.) 18 The Court finds the requested \$700 per hour reasonable based on the evidence 19 presented. 20 The Court similarly finds the requested rates of \$800 for attorney Shaleen 21 Shanbhag and \$280 for paralegal Tami Galindo reasonable based on the evidence 22 presented in the Declarations of Dan Stormer and Morgan Rickets. (Stormer Decl. 23 ¶ 21, Ricketts Decl. ¶ 8.) Ms. Shanbhag is a former partner at Hadsell & Stormer 24 and graduated from law school in 2014. (Stormer Decl. ¶ 33.) Ms. Galindo's 25 requested hourly rate is consistent with the City's requested rate for its own 26 paralegal's time as demonstrated in a Motion for Attorney's fees filed by the City 27 of Los Angeles in February 2019. (Ricketts Decl. ¶ 8.) 28 Defendants contend that (1) the rates requested by Mr. Washington and Ms.

Rickets should be reduced based on their lack of experience litigating civil rights cases, and (2) Mr. Stormer's rate should be reduced back on his lack of involvement throughout the case, including trial. Defendants support their argument with a declaration from Gerald G. Knapton, an expert on legal fees. (Declaration of Gerald G. Knapton ("Knapton Decl.").) Mr. Knapton is a senior partner with Ropers, Majeski P.C. (*Id.* ¶ 2.) He has qualified and testified as an expert on legal fees more than sixty times. (*Id.* ¶ 3.) Mr. Knapton relies on the 2022 Real Rate Report¹ to determine non-contingent hourly rates of partners, associates and paralegals based on location, experience, firm size, areas of expertise, and industry, as well as specific practice areas, and is based on actual legal billing and paid invoices from about 80 companies. (*Id.* ¶ 35.) The Real Rate Report shows the following data for partners, associates, and paralegals:

Role	Timekeepers	First Quartile	Median	Third Quartile
Partner	10592	\$430	\$653	\$969
Associate	9930	\$329	\$485	\$703
Paralegal	4215	\$150	\$225	\$325

The numbers change slightly for attorneys in Los Angeles:

Role	Timekeepers	First Quartile	Median	Third Quartile
Partner	40	\$410	\$835	\$995
Associate	38	\$361	\$475	\$735

Based on Mr. Knapton's analysis, Defendants propose reducing Plaintiff's counsel's rates to \$835 for Mr. Stormer, \$835 for Ms. Ricketts, \$475 for Mr. Washington, and \$225 for Ms. Galindo.

In the Ninth Circuit, reasonable rates for civil rights cases are not based

¹ The Real Rate Report is powered by the Wolters Kluwer ELM Solutions LegalVIEW® data warehouse and contains data on law firm rates and staffing trends based on actual invoice data.

only on rates offered in similar civil rights claims but rather comparison "extends to all attorneys in the relevant community engaged in equally complex Federal litigation, no matter the subject." *Prison Legal News v. Schwarzenegger*, 608 F.3d 446, 455 (9th Cir.2009) (holding that "the proper scope of comparison is not so limited" as to only other attorneys involved in prison litigation) (internal quotation marks and citation omitted). "Affidavits of the plaintiffs' attorney and other attorneys regarding prevailing fees in the community, and rate determinations in other cases, particularly those setting a rate for the plaintiffs' attorney, are satisfactory evidence of the prevailing market rate." *United Steelworkers of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990); *see also Camacho*, 523 F.3d at 980 ("[A]ffidavits of the plaintiffs' attorney[s] and other attorneys regarding prevailing fees in the community, and rate determinations in other cases are satisfactory evidence of the prevailing market rate.") (citation omitted).

The declarations filed in support of Plaintiff's Motion demonstrate that Plaintiff's counsel's requested rates are comparable to other attorneys in Los Angeles with similar skill and experience in complex litigation. The Court finds that counsel represented Plaintiff with professionalism, skill, and knowledge of the law. Thus, the Court overrules Defendants' objections to the declarations submitted by Plaintiff. The Court considers the declarations in calculating appropriate hourly rates for Mr. Stormer, Ms. Ricketts, Mr. Washington, Ms. Shahbag and Ms. Galindo.

2. Reasonable Hours

"By and large, the [district] court should defer to the winning lawyer's professional judgment as to how much time he was required to spend on the case." *Chaudhry v. City of Los Angeles*, 751 F.3d 1096, 1111 (9th Cir. 2014) (quoting *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008)). Courts generally accept the reasonableness of hours supported by declarations of counsel. *See, e.g., Horsford v. Bd. of Trustees of Cal. State Univ.*, 132 Cal. App. 4th 359,

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396 (2005) ("[T]he verified time statements of the attorneys, as officers of the court, are entitled to credence in the absence of a clear indication the records are erroneous.")

Counsel's sworn declarations and attached time records evidence the attorney and paralegal hours spent on this litigation. Counsel applied a 10% reduction across the board to account for any potential billing errors. (Stormer Decl. ¶ 33.) Plaintiff requests a total of 1,876.2 hours.

Defendants contend that Plaintiff should not be awarded fees for administrative work, duplicative work, excessively billed work, block-billed entries, and vague billing descriptions. Defendants seek a 100% reduction for "administrative work." Defendants refer to Exhibit 5A of Mr. Knapton's declaration which includes 82.10 hours of billing entries totaling \$44,910.50 in fees. (Knapton Decl. ¶ 68, Exhibit 5A.) Defendants cite to Keith v. Volpe, 644 F. Supp. 1317, 1323 (C.D. Cal. 1986), aff'd, 858 F.2d 467 (9th Cir. 1988), which disallowed hours for "clerical, secretarial and similar routine work" such as "pickup copies," "Xerox/distribute memo," "tag exhibits," "file review," "organize files," and "reproduce documents." Exhibit 5A includes a large number of time entries for "Outlook/calendaring." Counsel includes time entries for 1.8, 1.6 and .8 hours of work done by Mr. Washington for "draft trial calendar," "trial related deadlines chart," and "Update case calendar," respectively. The Court finds these tasks to be appropriately billed at the paralegal hourly rate. Exhibit 5A also includes time spent to "Prepare/edit/finalize Plaintiff's complaint/initiating documents (summons/civil case cover sheet/notice of interested parties)/efile/open new case/prepare chambers copies"; and "Work with IT and client to extract data from his phone for production." On reply, Plaintiff explains that while there is staff that perform non-specialized tasks such as answering phones, mailing, and printing, tasks that require compliance with court rules such as such as determining how many copies must be delivered to chambers and by what time,

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filling out legal forms such as a summons, preparing proofs of service, and filing court documents – are all considered paralegal or attorney tasks, because they require familiarity with and adherence to court procedures and rules. The Court agrees that these tasks require some familiarity with court rules, and thus the Court does not reduce the fee award based on those time entries. The Court subtracts \$1,764 from the requested fee award to account for attorney time spent calendaring.

Defendants request a 30% reduction for block billed entries. Defendants refer the Court to Exhibit 5B of Mr. Knapton's declaration which includes 261.50 hours of billing entries totaling \$130,127.50 in fees. (Knapton Decl. ¶ 86, Exhibit 5B.) Defendants contend that the block billed entries are vague, duplicative, and unnecessary and should be reduced for failing to set forth with any degree of particularity, a breakdown of attorney time for the multiple tasks set forth in each block billed entry. However, the examples in Exhibit 5b are not examples of improper block-billing. The Ninth Circuit defines block billing as "the timekeeping method by which each lawyer and legal assistant enters the total daily time spent working on a case, rather than itemizing the time expended on specific tasks." Welch v. Metropolitan Life Ins. Co., 480 F.3d 942, 945 n.2 (9th Cir. 2007) (citation omitted). A time entry which identifies interrelated tasks performed simultaneously is not considered block billing. See, e.g., LaToya A. v. San Francisco Unified Sch. Dist., 2016 WL 344558, at *8 (N.D. Cal. Jan. 28, 2016) Therefore, the Court includes the time entries identified in Exhibit 5B in the fee award.

Defendants request an additional 30% reduction for vague billing entries. Defendants refer the Court to Exhibit 5C of Mr. Knapton's declaration which contains 567.30 hours of billing entries totaling \$293,972 in fees. A fee applicant must submit "evidence supporting the hours worked" and "should identify the general subject matter of his time expenditures" but "is not required to record in

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great detail how each minute of his time was expended." Hensley, 461 U.S. at 437 n.12. Here, the majority of the time entries included in Exhibit 5C relate to communications with the client. On Reply, Plaintiff explains that most of the time, the subject of the call with the client is privileged and inappropriate to disclose, and that the safer practice is to simply note that there was a client communication. While the time entries referencing "call with client" are vague, each entry is less than an hour, which the Court finds to be a reasonable amount of time to discuss matters with the client. Additionally, Plaintiff requests \$14,210 for time entries described as "document review" but has not provided any evidence to support this request, such as the volume or categories of documents reviewed. Without additional information, the Court finds these entries vague. Upon review of additional entries which Defendants contend are vague including "Emails/prepare/edit Plaintiff's complaint," "Discovery plan," "Leave message for Daniel Sosa," "Edit video clip for production," and "Draft discovery requests" the Court finds these entries adequate and do not warrant a reduction in the fee award. Moreover, Plaintiff's counsel has already applied a 10% across the board reduction in the attorneys' fees sought. The Court subtracts \$14,210 from the requested fee award to account for unexplained time spent on "document review." Defendants request a 100% reduction of duplicative work. Defendants refer the Court to Exhibit 5D of Mr. Knapton's declaration which contains 13.10 hours of billing entries totaling \$5,647.50. (Knapton Decl. ¶ 69, Exhibit 5D.) Defendants contend that in light of counsels' experience and expertise in civil rights work, only one attorney should have been required to attend conferences with opposing counsel, depositions, and client meetings. The Ninth Circuit has held "duplicative work is not inherently inappropriate" (see Chaudhry v, 751 F.3d at 1112 (finding district court's reduction of fees by 88% in light of the fact that "multiple attorneys and legal assistants attended and participated in certain conferences, depositions, court hearings, and trial, doing much of the same work"

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and "[m]any of the law clerks billed for duplicative note-taking or for training at trial or depositions" required a "more specific explanation than that provided by the district court) (citing *Moreno*, 534 F.3d at 1112)), and "the participation of more than one attorney" in case or at a hearing "does not constitute an unnecessary duplication of effort" (see Probe v. State Teachers' Ret. Sys., 780 <u>F.2d 776, 785</u> (9th Cir. 1986)); see also Kim v. Fujikawa, <u>871 F.2d 1427, 1435</u> n.9 (9th Cir. 1989) ("[T]he participation of more than one attorney does not necessarily constitute an unnecessary duplication of effort."); Lauderdale v. City of Long Beach, 2010 WL 11570514, at *7 (C.D. Cal. Jan. 11, 2010) ("[H]aving multiple attorneys attend depositions, meetings and settlement conferences allowed counsel to contribute creative solutions, reduced the need for inter-office communications after meetings, and ameliorated disagreements over what actually went on at meetings."). As Plaintiff explains, it is a routine practice for more than one attorney to attend conferences with opposing counsel, depositions, and client meetings. Additionally, the entries in Exhibit 5D relate to conferences amongst Plaintiff's various counsel for purposes of discussing case strategy. (See Ex. 5D ("Litigation strategy call w/ DS"; "Telephone call with DS and DCW re litigation strategy"; "conf with DS, DW re: experts; "Meeting with SS, DW re experts.").) The participation of more than one attorney was necessary to discuss the relevant issues as provided in the time entries. Therefore, the Court the Court includes the time entries identified in Exhibit 5D in the fee award. Defendants request a 40% reduction of "excessively billed work." Defendants refer the Court to Exhibit 5E of Mr. Knapton's declaration which contains 293.10 hours of billing entries totaling \$131,892.50. (Knapton Decl. ¶ 72, Exhibit 5E.) Defendants identify tasks that appear to have taken more time than necessary based on the length of the document filed with the Court. For

"Draft initial disclosures" which were 3.5 pages in length and 13.7 hours spent by

example, Defendants identify 11.2 hours spent by Ms. Shanbhag's entries to

Mr. Washington's to "Draft ex parte app to compel and for sanctions" which was a 4.5-page Application that was denied by the Court. (See Dkt. No. 44.) The time spent on the initial disclosures and ex parte application were excessive. Plaintiff's counsel include time entries of 3 and 6 hours spent by Ms. Ricketts and Mr. Washington, respectively, for "Travel to and from Court." This time appears excessive based on the location of Plaintiff's counsel's offices and the courthouse. Plaintiff's counsel also include time entries of 11, 12.4, 15.8, 16.8 and 17.4 hours, for "trial preparation" or trial-related tasks, without substantiating the amount requested. During trial, Court was in session with the jury for approximately five hours, with about two hours spent with counsel after the jury was excused. Without additional information, the Court finds these time entries excessive. The Court limits trial days to eight hours and subtracts the additional time billed. As to the other time entries identified in Exhibit 5E, the Court does not find these entries excessive. Additionally, as noted above, Plaintiff's counsel has already applied a 10% reduction in the attorneys' fees sought. Therefore, the Court subtracts \$59,215 from the requested fee award to account for excessive time as indicated above.

3. Multiplier

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Plaintiff does not request a multiplier. However, Defendants contend that Plaintiff's fee demand should be reduced based on Defendants' success on the majority of the claims asserted against them. The jury found in favor of Defendants on Plaintiff's claims against Chief Moore, and on the majority of claims against the City of Los Angeles with respect to *Monell* liability. Defendants attempt to quantify Plaintiff's success based on a 50% success rate and ask that the Court reduce Plaintiff's number of hours by 75% for their limited success.

The Supreme Court has held: "[w]here a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee. Normally this will

encompass all hours reasonably expended on the litigation, and indeed in some cases of exceptional success an enhanced award may be justified. In these circumstances the fee award should not be reduced simply because the plaintiff failed to prevail on every contention raised in the lawsuit." Hensley, 461 U.S. at 435. Here, Plaintiff prevailed on his Fourth Amendment claim against Officer Haney and his *Monell* claim against the City of Los Angeles for failure to properly train its officers (Dkt. No. 171.) The jury awarded Plaintiff \$85,000 in compensatory damages and found that Plaintiff proved Officer Haney acted with malice, oppression, or reckless disregard for Plaintiff's rights. The other claims asserted were related to the underlying incident and based on a common core of facts. Thus, the time spent on claims for which Plaintiff did not prevail cannot reasonably be separated from time spent on claims on which Plaintiff did prevail. See City of Riverside v. Rivera, 477 U.S. 561, 569-73 (1986) (holding the district court did not abuse its discretion in awarding attorney's fees for all time reasonably spent litigating the case although respondents had prevailed only on some of their claims and against only some of the defendants); McCown v. City of Fontana, 565 F.3d 1097, 1103 (9th Cir. 2009) (noting "in a lawsuit where the plaintiff presents different claims for relief that 'involve a common core of facts' or are based on 'related legal theories,' the district court should not attempt to divide the request for attorney's fees on a claim-by-claim basis.")

4. Costs

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Plaintiff seeks reimbursement of non-taxable costs totaling \$15,703.50. Section 1988 permits a prevailing party to recover as part of an attorneys' fee award "those out-of-pocket expenses that would normally be charged to a feepaying client." *Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (internal quotation marks and citation omitted); *Dang v. Cross*, 422 F.3d 800, 814 (9th Cir. 2005) (quoting same). Plaintiff's counsel declares that it is the routine and common practice of firms handling complex litigation to charge fee-paying clients

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separately for copying, expert or consultant fees and other necessary out-of-pocket expenses. (Stormer Decl. ¶ 38.) In addition to the \$19,080.29 in costs requested in Plaintiff's Bill of Costs, filed on June 13, 2023, Plaintiff requests reimbursement of \$15,703.50 in non-taxable expenses. (Dkt. No. 180.) Plaintiff includes an exhibit with documents supporting the costs requested. (Stormer Decl. ¶ 40, Ex. 4.) Plaintiff seeks the following non-taxable costs: \$600 paid to Defendants' police practices expert, Edward Flosi, for time spent in deposition; \$10,043 in photocopying costs; \$2500 in costs to prepare demonstrative video clips for trial; and \$2,560.50 in costs to prepare exhibit binders for trial. Defendants concede that these costs are recoverable with the exception of \$10,043.10 for photocopying, which Defendants' expert declares "constitutes a part of the firm's overhead." The Court finds reasonable photocopying costs are generally recoverable, however Plaintiff has not adequately shown that the request for \$10,043 is reasonable. See Harper v. City of Los Angeles, 2006 WL 8446990, at *11 (C.D. Cal. May 16, 2006) (finding plaintiff had not met burden of demonstrating that photocopying costs were "reasonable and necessary for effective and competent representation"). It is Plaintiff's burden to provide the Court with evidence indicating the general purpose or subject matter of the photocopies. The Court cannot determine what would be a reasonable figure based upon this lack of evidence. Accordingly, the Court declines to award the photocopying costs sought. As to the other costs sought and upon review of the evidence, Plaintiff's requests appear reasonably and necessarily incurred in advancing the interests of the client. Therefore, the Motion is **GRANTED** as to the request for nontaxable costs, with the exception of the costs for photocopying. /// /// /// ///

IV. CONCLUSION Accordingly, the Court GRANTS Plaintiff's Motion for Attorneys' Fees in the amount of 1,182,333.30 and 5,660.4 for nontaxable costs pursuant to 42U.S.C. § 1988. IT IS SO ORDERED. **DATED: APRIL 19, 2024** HON. CONSUELO B. MARSHALL UNITED STATES DISTRICT JUDGE

EXHIBIT 3

Document 1022-11 Page ID #:29395

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA 9 10 11 BLACK LIVES MATTER LOS Case No. 2:21-cv-05253-CAS-AJRx ANGELES, et al., **CLASS ACTION** 12 Plaintiffs, 13 FINAL ORDER APPROVING VS. 14 **CLASS ACTION SETTLEMENT** CITY OF SANTA MONICA, et al., [DKT. 62] 15 Defendants. 16 Hon. Christina A. Snyder Judge: 17 18 19

I. INTRODUCTION AND BACKGROUND.

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On May 31, 2020, in response to protests following the death of George Floyd in Minneapolis, the City of Santa Monica ("the City") instituted a City-wide curfew. Dkt. 1 ("Compl.") ¶¶ 1-2. Between May 31, 2020 and June 1, 2020, the Santa Monica Police Department ("SMPD") arrested approximately 400 people. <u>Id.</u> ¶ 3. Plaintiffs allege that these arrests were effectuated after protests were ended using force and that the SMPD "imposed unconstitutional conditions of confinement on arrestees by holding them on buses for many hours, tightly handcuffed with zip ties, without access to bathroom facilities, food, or water." <u>Id.</u> ¶ 5. Arrestees were largely

transported to the Santa Monica Airport, where "all or almost all arrestees were released on a misdemeanor charge of violating a City Municipal Code provision that applied to the curfew." <u>Id.</u> ¶ 6. Some arrestees, including a number of minors, were taken to the Civic Center jail for processing. <u>Dkt. 56</u> ("Mot. for Final Approval") at 1.

At the time of filing, plaintiffs were members of two damages classes. Compl. ¶ 38. The first was the "Arrest Class," made up of persons present at protests on May 31, 2020, and June 1, 2020, who were handcuffed and arrested by the SMPD or an agent of the City. <u>Id.</u> The second class was the "Direct Force Class," made up of individuals present at the relevant protests, who "were subjected to unlawful force employed by [d]efendant City and its agents." <u>Id.</u> At this stage, only the Arrest Class remains in this litigation.

On June 28, 2021, plaintiffs filed their initial complaint in this matter. Compl. On August 2, 2023, claims asserted by the Direct Force Class and named plaintiff Kerry Hogan were dismissed with prejudice. Dkt. 42. On February 22, 2024, defendants filed a notice of conditional settlement. Dkt. 50. On July 22, 2024, plaintiffs submitted an unopposed motion for preliminary approval of class certification. Dkt. 53. On July 25, 2024, the settlement was preliminarily approved. Dkt. 55.

On September 16, 2024, plaintiffs filed a motion for final settlement approval and a motion for attorneys' fees and costs. Dkts. 56-57.

II. SETTLEMENT AGREEMENT

A. Definitions.

The capitalized terms used in this Final Approval Order shall have the meanings and/or definitions given to them in the Settlement Agreement [Dkt. 53-1 ("Settlement Agreement," "Settlement," or "Agreement")], or if not defined therein, the meanings and/or definitions given to them in this Final Approval Order.

B. Incorporation of Documents.

This Final Approval Order incorporates and makes a part hereof:

- (a) the Settlement Agreement (including the exhibits thereto); and
- (b) the Court's findings and conclusions contained in its Preliminary Approval Order.

C. Jurisdiction and Venue.

This Court has personal jurisdiction over the parties and the members of the Settlement Class. The Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 including, without limitation, jurisdiction to approve the Settlement, to settle and release all claims alleged in the action and all claims released by the Settlement, to adjudicate the objections submitted to the proposed Settlement by class members, and to dismiss the case with prejudice. Venue in this District is appropriate pursuant to 28 U.S.C. § 1391.

D. Definition of the Class and Settlement Class Members.

The Settlement Class hereby certified by the Court is defined as:

All persons who were detained and cited or arrested in or around the City of Santa Monica between May 31, 2020 and June 1, 2020 in connection with law enforcement agencies' efforts to disperse Black Lives Matter protest and enforce a City-wide curfew.

Settlement Agreement at 2.

E. Class Action Prerequisites are Satisfied.

The Court finds that the Settlement Class meets all the prerequisites of <u>Federal Rule of Civil Procedure 23(a)</u> for class certification, including numerosity, commonality, typicality, predominance of common issues, superiority, and that Settlement Class Representatives and Class Counsel are adequate representatives of the Settlement Class.

The Court concludes that there are hundreds of members of the Settlement Class, making joinder of all members impracticable; there are questions of fact and law that are common to all members of the settlement class; the claims of the Class Representatives are typical of those of the absent members of the Settlement Class; and plaintiffs David Brown and David Clennon have and will fairly and adequately protect the interests of the absent members of the relevant Settlement Class and have retained counsel experienced in civil rights litigation who have and will continue to adequately advance the interests of the Settlement Class.

The Court finds that this action may be maintained as a class action under Rule 23(b)(3) for settlement because: (1) questions of fact and law common to the members of the Settlement Class predominate over any questions affecting only the claims of individual members; and (2) a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

F. Settlement Terms

Plaintiffs have submitted an unopposed motion for final approval of class settlement. Mot. for Final Approval.

The Settlement Agreement provides for a total monetary settlement of \$2,300,000, which includes attorneys' fees and costs of class administration. Settlement Agreement ¶ 19. It also provides for the dismissal of all individually named defendants with prejudice, leaving the City as the only defendant to whom the agreement is applicable. Id. The Settlement Agreement provides for payment of costs related to publication and distribution by defendant and for payment by the City to the Administrator part of the costs of Class Administration before Final Approval. Id. ¶ 21.

The Settlement Agreement provides for payments of no less than \$5,000 and no more than \$7,000 to all class members who timely file. <u>Id.</u> ¶ 27. Additionally, the two class representatives will receive the same payment as their fellow class

members as well as a \$15,000 incentive award per the terms of the Settlement Agreement. <u>Id.</u> ¶ 28. Any person opting out of the Settlement does not qualify for payment. <u>Id.</u>

The Settlement Agreement establishes that once all costs, fees, expenses, and payments to class members are paid out, any remaining money in the Class Fund is to revert to the City after 180 days. <u>Id.</u> ¶ 32.

Defendants, in the Settlement Agreement, continue to deny all allegations of wrongdoing and deny all liability for the allegations and claims made in this case. ¶ 17.

G. Objections to the Proposed Settlement.

There have been no objections to the Settlement. Mot. for Final Approval at 9. Two individuals who are plaintiffs in a lawsuit proceeding in state court against the City and other defendants opted out, via letter from their counsel. <u>Id.</u>; <u>Dkt. 56-</u>1.

H. Legal Standard.

The Court may only approve a settlement class after finding the settlement is "fair, reasonable, and adequate." Fed. R. Civ. Pro. 23(e)(2). In doing so, the Court must consider whether:

- (A) the class representatives and class counsel have adequately represented the class;
- (B) the proposal was negotiated at arm's length;
- (C) the relief provided for the class is adequate, taking into account:
 - (i) the costs, risks, and delay of trial and appeal;
 - (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;
 - (iii) the terms of any proposed award of attorney's fees, including timing of payment; and

(iv) any agreement required to be identified under Rule 23(e)(3); and(D) the proposal treats class members equitably relative to each other.Id.

"The purpose of the [modern] Rule 23(e)(2) is [to] establish a consistent set of approval factors to be applied uniformly in every circuit, without displacing the various lists of additional approval factors the circuit courts have created over the past several decades." Zamora Jordan v. Nationstar Mortg., LLC, No. 2:14-CV-0175-TOR, 2019 WL 1966112, at *2 (E.D. Wash. May 2, 2019). Factors that the Ninth Circuit has typically considered include (1) the strength of plaintiffs' case; (2) the risk, expense, complexity, and likely duration of further litigation; (3) the risk of maintaining class action status throughout the trial; (4) the amount offered in settlement; (5) the extent of discovery completed and the stage of the proceedings; and (6) the experience and views of counsel. Hanlon v. Chrysler Corp., 150 F.3d 1011, 1026 (9th Cir. 1998); Churchill Vill., L.L.C. v. Gen. Elec., 361 F.3d 566, 575 (9th Cir. 2004).

I. Findings and Conclusions.

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1. Notice to the Class was Adequate.

For every class to be certified under Rule 23(b), the Ninth Circuit mandates that "[d]istrict courts 'must direct notice [of a proposed settlement] in a reasonable manner to all class member who would be bound by the proposal." CLRB Hanson Indus., LLC v. Weiss & Assocs., PC, 465 F. App'x 617, 619 (9th Cir. 2012) (quoting Fed. R. Civ. P 23(e)(1)(B)) (edits in original). See also Altes v. Sambazon, Inc., No. 8:19-cv-01340-JLS-JDE, 2020 U.S. Dist. LEXIS 267747, at *8 (C.D. Cal. May 12, 2020). "[T]o satisfy due process, notice to class members must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." Id., citing Martinez v. Hammer Corp., No. 09-cv-06135-MMM-

AGRx, 2010 WL 11520538, at *2 (quoting In re Marsh ERISA Litigation, 265 F.R.D. 128, 144 (S.D.N.Y. 2010)) (internal quotations omitted).

The Court finds that fair and adequate notice of class members' right to object to the Settlement and to appear at the Fairness Hearing in support of such an objection has been provided in the form and manner required by the Settlement Agreement, the Court's Preliminary Approval Order, the requirements of due process, Rule 23, and any other applicable law. In particular, the Court finds that the Class Notice provided the best practicable notice of class members' rights and options and of the binding effect of the orders and Judgment in this case, whether favorable or unfavorable, on all class members.

Class counsel provided detailed information describing outreach to putative class members and the challenges to contacting the class, both because some citations were missing and others were not accurate, as well the number of times class members moved over the course of four years. Even so, class participation was slightly more than 50-percent of the potential class and 65-percent of those where current contacts were found. This is a good participation rate.

Plaintiffs provided information on publication of the notice on several activist websites and social media. The Declaration of Katherine Shapiro detailed outreach to those for whom the City provided citations. These persons were sent notice and claim forms by postal mail, email, and texts and online searches. Claims could be filed by mail, email or online on a dedicated website. In addition to conducting their own online searches, Plaintiffs hired a private investigator to conduct skip/trace searches for persons without current contact information. This is more than was required by the Court's Preliminary Approval Order.

The absence of objections to the Settlement by all class members strongly supports approval. See, e.g., Feist v. Petco Animal Supplies, Inc., No. 3:16-cv-01369-H-MSB, 2018 WL 6040801, at *5 (S.D. Cal. Nov. 16, 2018) ("[T]he absence

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of a large number of objections to a proposed class action settlement raises a strong presumption that the terms of a proposed class settlement action are favorable to the class members.") (quoting Nat'l Rural Telecomms. Coop. v. DIRECTV, Inc., 221 F.R.D. 523, 529 (C.D. Cal. 2004)); In re Omnivision Techs., Inc., 559 F. Supp. 2d 1036, 1043 (N.D. Cal. 2008) (same; three objections out of approximately 57,000 class members). In response to the Class Notice, there were no objections and only two opt-outs. Mot. for Final Approval at 9.

2. The Settlement was negotiated at arm's length.

Where, as here, the settlement agreement is negotiated prior to the grant of a motion for formal class certification, "courts must be 'particularly vigilant' for signs of collusion because, at this stage of the litigation, there is an even 'greater potential for breach of fiduciary duty owed to the class during settlement." In re Bluetooth Headset Prod. Liab. Litig., 654 F.3d 935, 946 (9th Cir. 2011). For this reason, "such agreements must withstand an even higher level of scrutiny for evidence of collusion or other conflicts of interest than is ordinarily required under Rule 23(e) before securing the court's approval as fair." Id.

The Ninth Circuit directs courts to look for these "subtle signs" of collusion:

- "(1) when counsel receive a disproportionate distribution of the settlement, or when the class receives no [money] but class counsel are amply rewarded;
- (2) when the parties negotiate a 'clear sailing' arrangement providing for the payment of attorneys' fees separate and apart from class funds, which carries the potential of enabling a defendant to pay counsel excessive fees and costs in exchange for counsel accepting an unfair settlement []; and
- (3) when the parties arrange for fees not awarded to revert to defendants rather than be added to the class fund."
- Altes, 2020 U.S. Dist. LEXIS 267747 at *8 (citing In re Bluetooth, 654 F.3d at 947).

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Based on the evidence filed in support of the motion for preliminary approval, the motion for final approval and the motion for attorney fees and costs, the Court is satisfied that there is no collusion in this instance and that approval is appropriate.

3. Incentive Awards

The settlement agreement provides for incentive awards to the two named class representatives. The Settlement Agreement provides for a \$15,000 incentive award to each of the two class representatives. The Ninth Circuit instructs that "district courts [should] scrutinize carefully [incentive] awards so that they do not undermine the adequacy of the class representative." Radcliffe v. Experian Info. Sols. Inc., 715 F.3d 1157. 1163 (9th Cir. 2013). This includes considering "the number of named plaintiffs receiving incentive payments, the proportion of the payments relative to the settlement amount, and the size of each payment." In re Online DVD-Rental Antitrust Litig., 779 F.3d 934, 947 (9th Cir. 2015) (quoting Staton v. Boeing Co., 327 F.3d 938, 977 (9th Cir. 2003)).

Plaintiffs submit that the two class representatives, David Brown and David Clennon, assisted in gathering evidence, stayed in contact and met with counsel, responded to discovery from defendants, participated in deposition preparation, and discussed the Settlement Agreement with counsel. Mot. for Final Approval at 13. The plaintiffs also submit that the payment of these awards has no impact on the amount to be paid to other class members. <u>Id.</u> at 12. The proposed incentive award is just over two times the high end of the damages award for class members. <u>Id.</u> at 13.

The most important factor in approving incentive awards is the proportion between the amount received by class members and the incentive award. In determining an appropriate service award, courts consider whether the proposed amount is proportional to class members' payments under the settlement. Staton v. Boeing Co., 327 F.3d 938, 977 (9th Cir. 2003).

The proposed incentive awards are just slightly more than twice the individual damage awards to class members. Cf. Roe v. Frito-Lay, Inc., No. 14-CV-00751-HSG, 2017 WL 1315626, at *8 (N.D. Cal. Apr. 7, 2017) (reducing service award from \$10,000 to \$5,000 where "[a] \$10,000 incentive award is substantially disproportionate to class members' anticipated recovery of \$193.45"); Smith v. Am. Greetings Corp., No. 14-CV-02577-JST, 2016 WL 362395, at *10 (N.D. Cal. Jan. 29, 2016) (reducing \$7,500 service award to \$5,000 in a wage and hour class action where the proposed award was 4.7 times the average class member damages of \$1,608.16); Willner v. Manpower Inc., No. 11-CV-02846-JST, 2015 WL 3863625 (N.D. Cal. June 22, 2015), at *9 (reducing requested \$11,000 award to \$5,000 where projected average settlement payment in a wage and hour case was \$605.02). In each of these cases the proportion between the reduced incentive award and average amount to class members was greater than the ratio here.

Because the proposed incentive awards to the two class representatives are well within the proportional ratio to the individual damages provided to class members, the Court approves incentive awards of \$15,000 to each named plaintiff.

4. Relief provided is adequate.

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The Settlement delivers adequate relief by providing substantial cash payments to class members. Each class member is to receive a minimum of \$5,000 and a maximum of \$7,000, with class representatives receiving an additional \$15,000 incentive award. Settlement Agreement ¶ 27.

The Court has considered the realistic range of outcomes in this matter, including the amount plaintiffs might receive if they prevailed at trial, the strength and weaknesses of the case, the novelty and number of the complex legal issues involved, the risk that plaintiffs would receive less than the relief afforded by the

Settlement Agreement or recover nothing at trial, and the risk of a reversal of any judgment. The Settlement is well within a range of reasonableness.

In this case, the parties have reached settlement before litigating dispositive motions or preparing for trial. Parties did, however, conduct extensive discovery over the course of the three years between the filing of this case and settlement.

5. Proposed distribution method is effective.

The Administrator will be responsible for processing and paying class claims based on submission of Proof of Claim Forms pursuant to the Settlement Agreement. Settlement Agreement ¶ 43.

6. Attorneys' fees are reasonable.

Pursuant to the Settlement Agreement, attorneys' fees are capped at \$690,000, 30% of the total settlement. Id. ¶ 39. These fees are included in the total \$2,300,000 settlement amount. Id. Further discussion of the reasonableness of attorneys' fees in this case can be found in Section V, infra.

7. The Settlement Agreement treats class members equitably.

In addition to the incentive awards described above, the Settlement Agreement provides for equal payments to each class member (exclusive of the class representatives). Settlement Agreement ¶ 27.

III. LATE FILED CLAIMS

Plaintiffs also request the Court approve several claims filed after the September 9 Bar date. Most of the late claims were filed on behalf of individuals who were minors at the time of their arrest in 2020 and for whom the City did not produce arrest citations, as set out in Plaintiffs' Motion for Final Approval.

Pursuant to Ninth Circuit authority, the Court has the discretion to permit late claims filed in a large class action settlement fund. <u>Advance Drywall Co. v. U.S. Gypsum Co. (In re Gypsum Antitrust Cases)</u>, <u>565 F.2d 1123</u>, <u>1127-28</u> (9th Cir. 1977). "[I]n the distribution of a large class action settlement fund, 'a cutoff date is essential and at some point the matter must be terminated." <u>Id.</u> at 1127

(quoting Reports of the Conference for District Court Judges, 63 F.R.D. 231, 262 (1973)). The Ninth Circuit found that three months is "ordinarily a sufficiently long period within which class members may file claims." <u>Id.</u> at 1128. In this instance, the claims period was only half of this with slightly less than three months from preliminary to final approval of the settlement in this matter.

The Ninth Circuit approach is consistent with decisions in other circuits and the recommendation of the Manual of Complex Litigation. "Multiple circuits had held that the court maintains an inherent equitable power to 'allow late-filed proofs of claim and late-cured proofs of claim.' In re Cendant Corp. Prides Litig., 233 F.3d 188, 195 (3d Cir. 2000); accord Burns v. Elrod, 757 F.2d 151, 155 (7th Cir. 1985); Zients v. LaMorte, 459 F.2d 628, 630 (2d Cir. 1972) The Manual for Complex Litigation also recommends that '[t]he court should allow adequate time for late claims before any refund or other disposition of settlement funds occurs.' Manual for Complex Litigation (Fourth) § 21.662 (2004)." Norton v. LVNV Funding, LLC, No. 18-cv-05051-DMR, 2022 WL 562831, at *6 (N.D. Cal. Feb. 24, 2022) (edits supplied).

Based on strong authority allowing late claims the Court grants the request and directs that all such claim forms be approved.

IV. ATTORNEYS' FEES

A. Legal Standard.

District courts must ensure that attorneys' fees awards in class action cases are reasonable. <u>Lowery v. Rhapsody Int'l, Inc.</u>, 75 F.4th 985, 991 (9th Cir. 2023). In the Ninth Circuit, there are "two ways to determine attorneys' fees awards in class actions: (1) the 'lodestar' method and (2) the 'percentage-of-recovery' method." <u>Id.</u> at 990. "[T]he choice between lodestar and percentage calculation depends on the circumstances, but . . . 'either method may . . . have its place in determining what would be reasonable compensation." <u>Six (6) Mexican Workers v. Arizona Citrus</u>

Growers, 904 F.2d 1301, 1311 (9th Cir. 1990) (third alteration in original) (quoting Paul, Johnson, Alston & Hunt v. Graulty, 886 F.2d 268, 272 (9th Cir. 1989)).

Twenty-five percent recovery is the benchmark for attorneys' fees, though courts in the Ninth Circuit have approved upward departures to be within the acceptable range. See In re Bluetooth, 654 F.3d at 942 (noting 25% benchmark); Powers v. Eichen, 229 F.3d 1249. 1256-57 (9th Cir. 2000) (upward departure acceptable when expressly explained).

Having reviewed the history and facts of this case, the Court finds that the percentage approach, followed by a lodestar cross check to ensure the reasonableness of fees is appropriate.

B. Calculating Attorneys' Fees.

Plaintiffs argue that the attorneys' fees and costs of \$690,000 are reasonable compared to a total settlement fund of \$2,300,000 applying either the percentage calculation approach or the lodestar method. <u>Dkt. 57</u> ("Mot. for Attorneys' Fees and Costs").

1. Percentage calculation

Attorneys' fees and costs of \$690,000, what plaintiffs' counsel requests here, amount to 30% of the settlement fund. <u>Id.</u> at 1. This includes reimbursed costs of litigation, plaintiffs contend, thus the fees are actually equal to about 27% of the Class Fund. <u>Id.</u> at 2. Though this is above the 25% benchmark set by the Ninth Circuit, the Court finds that the slight upward deviation is warranted here.

In determining whether a deviation from the 25% benchmark is warranted, courts frequently consider the <u>Vizcaino</u> factors: (1) the extent to which class counsel achieved exceptional results for the class; (2) whether the case was risky for class counsel; (3) whether counsel's performance generated benefits beyond the cash settlement fund; (4) the market rate for the particular field of law; (5) the burdens class counsel experienced while litigating the case; (6) and whether the case was

handled on a contingency basis. <u>In re Optical Disk Drive Prod. Antitrust Litig.</u>, 959 F.3d 922, 930 (9th Cir. 2020) (citing <u>Vizcaino v. Microsoft Corp.</u>, 290 F.3d 1043,1048-50 (9th Cir. 2002)).

Factor one, exceptional results, favors a slight upward deviation. A payout ranging from \$5,000 to \$7,000 per plaintiff is substantial. Plaintiffs point out that the amount is "greater than the base recovery in the comparator settlements and nearly twice the presumed damages of \$4000 set out by the California Legislature for a Bane Act Violation." Mot. for Final Approval at 8. The Court agrees with plaintiffs that the settlement is favorable for the class.

Factor two, risk of the case for class counsel, is neutral. The Court does not find that the case was particularly risky for Class Counsel, as counsel in this case litigates primarily in this field; however, a favorable result was by no means certain. Looking to the third factor, the Court notes that there are no non-monetary benefits of the settlement to consider, thus this factor is also neutral.

The fourth factor, market rate, also supports an award slightly above the benchmark. The Ninth Circuit has found that 25% of the total settlement fund is the benchmark for attorney's fees in common fund cases, but that 20-30% of the fund is "the usual range." Vizcaino, 290 F.3d at 1047 (citing Paul, Johnson, Alston & Hunt v. Graulty, 886 F.2d 268, 272 (9th Cir. 1989)). The Court notes that the 27% agreed upon here falls within this range. The Court finds that the fifth factor, burden on class counsel, favors a slight upward adjustment. Class counsel and defendants negotiated this case without the assistance of a paid mediator, increasing the burden on counsel. Mot. for Final Approval at 10-11. Counsel also undertook additional notice procedures beyond those required by the Court to attempt to notify class members whose information was unclear or improperly recorded on their citations. Id. at 4. Finally, the sixth factor, contingency, also favors upward adjustment from the benchmark, as this case was litigated on a contingency basis.

Given these factors, the Court finds that the slight upward adjustment, from the Ninth Circuit's benchmark of 25%, to approximately 27%, is reasonable in this case.

2. Lodestar cross-check

A lodestar cross-check confirms that \$690,000 is a reasonable award of attorneys' fees and costs. To guard against an unreasonable result, the Ninth Circuit encourages district courts to "cross-check[] their calculations against a second method." In re Bluetooth, 654 F.3d at 944; see also Vizcaino, 290 F.3d at 1050-51 (applying a lodestar cross-check to ensure the percentage-of-recovery method yielded a reasonable result).

Here, plaintiffs' counsel calculated their collective lodestar to be \$702,662. Mot. for Attorneys' Fees at 4. In support, counsel submitted summary charts listing the attorneys and the student group that worked on the case, their hours, and their hourly rates. <u>Id.</u> These calculations are reproduced here.

Name	Role	Admitted	Hours	Rate L	odestar
Paul L. Hoffman	Attorney	1976	18.8	\$1,425.00	\$ 26,790.00
Carol A. Sobel	Attorney	1978	239.8	\$1,325.00	\$ 317,735.00
Erin Darling	Attorney	2008	161.2	\$ 975.00	\$ 157,170.00
John Washington	Attorney	2017	19.5	\$ 770.00	\$ 15,105.00
Katherine	Attorney	2018	41.1	\$ 695.00	\$ 28,564.50
Robinson					
Weston Rowland	Attorney	2019	187.3	\$ 675.00	\$ 126,427.50
UCI Civil Rights	Students	2L/3L	137.2	\$ 225.00	\$ 30,870.00
TOTAL			805.1		\$ 702,662.00
LODESTAR					

<u>Id.</u> at 4.

These calculations are unopposed. The Court finds that the reported lodestar of \$702,662 supports the reasonableness of a 27% award.

V. RETENTION OF JURISDICTION.

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The Court has jurisdiction to enter this Final Approval Order. Without in any way affecting the finality of this Final Approval Order, for the benefit of the Settlement Class and defendants, and to protect this Court's jurisdiction, the Court expressly retains continuing jurisdiction as to all matters relating to the Settlement, including but not limited to any modification, interpretation, administration, implementation, effectuation, and enforcement of the Settlement, the administration of the Settlement and Settlement relief, including notices, payments, and benefits thereunder, the Class Notice and sufficiency thereof, any objection to the Settlement, the adequacy of representation by Class Counsel and/or the class representatives, the amount of attorneys' fees and litigation expenses paid to plaintiffs' counsel, the amount of incentive awards to be paid to the class representatives, any claim by any person or entity relating to the representation of the Settlement Class by Class Counsel, any remand after appeal or denial of any appellate challenge, any collateral challenge made regarding any matter related to this litigation or this Settlement or the conduct of any party or counsel relating to this litigation or this Settlement, and all other issues related to this case and Settlement.

VI. CONCLUSION.

The Motion for Final Approval is **GRANTED** on the terms set forth in this Final Approval Order, and the parties and their counsel are directed to implement and consummate the Settlement according to its terms and provisions as set forth in the Settlement Agreement.

The Motion for Attorneys' Fees and Costs is also **GRANTED**.

Plaintiffs are to file a Notice of Dismissal within one week of this Order

Figuritis are to the a Notice of Dishussar within one week of this Order.						
IT IS SO ORDERED. DATED: October 22, 2024	Bv:	Phris fine	a.	Inyde_		
2111221 (6666 61 22, 202)	<i></i>	Honorable	Judg	ge Christina A. Snyder,		
		United Stat	es D	District Court Judge		

EXHIBIT 4

Document 1022-12

Page ID #:29412

Case 2:20-cv-02291-DOC-KES Document 1022-12 Filed 08/08/25 Page 2 of 14 Page ID #:29413 07/07/2020 06:52 PM Sherri R. Carter, Executive Officer/Clerk of Court, by C. Coleman, Deputy Clerk Electronically FILED by Superior Court of California, County of Los Angeles on 07 1 GREENBERG TRAURIG, LLP Eric V. Rowen (SBN 106234) Matthew R. Gershman (SBN 253031) 3 1840 Century Park East, Suite 1900 Los Angeles, California 90067 Telephone: (310) 586-7700 Facsimile: (310) 586-7800 5 Email: RowenE@GTlaw.com GershmanM@GTlaw.com 6 Attorneys for Respondents and Cross-Petitioners 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 FOR THE COUNTY OF LOS ANGELES 9 10 ANN M. SIMONS, individually and as the **CASE NO. 19STCP01994** Designated Representative of Family 3, [Related to Case No. BS127141] 11 [Assigned for all purposes to Hon. Randolph Petitioner, 12 M. Hammock, Dept. 47] 13 v. **DECLARATION OF ERIC V. ROWEN IN** SUPPORT OF RESPONDENTS/CROSS-14 THE ENTERPRISE, a business enterprise, PETITIONERS' MOTION FOR GILAD LUMER, individually and as the 15 **ATTORNEYS' FEES** Designated Family Representative of Family 1, HARRY LUMER, SR., 16 [Filed Concurrently with Notice of Motion and individually and as the Designated Family Motion for Attorneys' Fees and [Proposed] 17 Representative of Family 2, STUART Order] RUBIN, individually and as a 18 Representative of Family 4, and DAVID Date: WANK, individually and as the 19 Time: Representative of Family 5, Dept.: 20 Respondents. RESERVATION NO. 21 22 AND RELATED CROSS-ACTION. Action filed: May 21, 2019 23 24 25 26 27 28

DECLARATION OF ERIC V. ROWEN

I, Eric V. Rowen, declare as follows:

1. I am an attorney at law duly licensed to practice by the State of California and before this Court. I am a shareholder at Greenberg Traurig, LLP, and am counsel responsible for the representation of Respondents and Cross-Petitioners The Enterprise, Gilad Lumer, Harry Lumer, Sr., Stuart Rubin, and David Wank ("Respondents"). As such, I have personal knowledge of the following facts, except as to those matters which are based on information and belief, as to which I believe them to be true, and I would competently testify thereto if necessary.

The Enterprise Agreement and underlying arbitration

- 2. Respondents and Petitioner Ann Simons ("Petitioner") entered into an Enterprise Agreement in 2001. In 2008, the Enterprise Agreement was amended to provide for a reorganization and termination of Petitioner's position as Vice President. Attached hereto as **Exhibit 1** is a copy of the Enterprise Agreement.
- 3. In 2008, Petitioner filed the underlying arbitration, seeking to unwind the amendment to the Enterprise Agreement, and Justice John Zebrowski (Ret.) was appointed as the arbitrator in early 2009. The parties agreed to proceed with the arbitration in phases, with issues relating to governance and the validity of the Amendment to be resolved first in Phase 1. On March 3, 2010, Justice Zebrowski issued a Partial Final Award for the first phase, which confirmed the validity of the amendment to the Enterprise Agreement and new management structure. Attached hereto as **Exhibit 2** is a copy of the March 3, 2010 Phase 1 Partial Final Award.

This Court confirms Justice Zebrowski's Phase I Partial Final Arbitration Award.

4. In June 2010, Respondents filed a petition to confirm the Phase 1 Partial Final Award, a copy of which is attached hereto as **Exhibit 3**. After Petitioner filed a peremptory challenge and asserted that the initial judge, the Honorable Ronald M. Sohigian, was prejudiced, the action was reassigned to the Honorable Gregory W. Alarcon, who, on October 7, 2010, entered an Order in favor of Respondents and against Petitioner. Attached hereto as **Exhibit 4** is a copy of Petitioner's Affidavit of Prejudice Peremptory Challenge to Judicial Officer. Attached hereto as **Exhibit 5** is a copy of this Court's (Hon. Judge Alarcon) Order confirming the Phase I Partial Final Award.

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Petitioner tries and fails to replace Justice Zebrowski in the arbitration.

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5. After a multi-year respite to explore settlement negotiations failed, the arbitration proceedings resumed in 2014. Unhappy with the prior outcome from Phase I, Petitioner sent a letter requesting disqualification of Justice Zebrowski in 2014, a copy of which is attached hereto as **Exhibit**6. Petitioner also initially refused to pay the deposit for her share of the fees, in an apparent attempt to get Justice Zebrowski to resign. Both efforts were unsuccessful.

Justice Zebrowski orders a further phasing of the arbitration.

- 6. In 2015, after Petitioner's improper attempts to replace the arbitrator failed, Justice Zebrowski asked the parties to provide updated statements identifying the issues to be tried in Phase II. On May 15, 2015, both sides updated their arbitration claims. Attached hereto as **Exhibit 7** is copy of Petitioner's updated claims. Attached hereto as **Exhibit 8** is a copy of Respondents' updated counterclaims. On August 5, 2015, Petitioner updated her claims again, filing an Updated Summary of Claims/Issues to be Pursued in Phase II, a copy of which is attached hereto as **Exhibit 9**.
- 7. After briefing and argument, and in order to expedite the separation of the two side's respective business interests, Justice Zebrowski ordered further phasing and determined that the separation issues would be adjudicated before any claims for monetary relief. A copy of Justice Zebrowski's Order explaining that is attached hereto as **Exhibit 10.**

Phase II concludes with Justice Zebrowski issuing the Phase II Partial Final Arbitration Award.

8. Phase II evidentiary hearings were held in December 2015, as well as an additional 18 days spanning August 2017 to August 2018. After closing briefing and argument, and after receiving and considering comments from both sides about a tentative ruling, Justice Zebrowski issued his Phase II Partial Final Arbitration Award, a copy of which is attached hereto as **Exhibit 11**.

Petitioner unsuccessfully seeks to vacate the Phase II Partial Final Arbitration Award.

9. On May 21, 2019, Petitioner filed a 480-page petition to vacate the Phase II Partial Final Award attaching exhibits A through double-C. Rather than file her petition in the action in which Judge Alarcon previously confirmed the Phase I Partial Final Award, as required, Petitioner instead sought a new judge by filing her petition as a new action. Accordingly, Respondents filed a Notice of Related Cases, a copy of which is attached hereto as **Exhibit 12.** Petitioner responded with a 104-page

opposition with exhibits to the related case notice. Attached hereto as **Exhibits 13 and 14** are copies of Petitioner's Opposition and Respondents' Reply, respectively, regarding the Notice of Related Cases. Ultimately, the Court ordered the cases related and ordered this action reassigned to Judge Alarcon. Attached hereto as **Exhibit 15** is a copy of the Court's July 12, 2019, Order relating the two cases.

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Attached hereto as **Exhibit 16** is copy of the Court's July 12, 2019, Order reassigning this case to Judge Alarcon.

- 10. Meanwhile, Respondents had to respond to the petition to vacate and did so by cross-petitioning for confirmation of the Phase II Partial Final Arbitration Award. Though Petitioner already had filed a lengthy petition to vacate at the outset of this action, Petitioner filed an additional motion to vacate and supporting declaration that now ballooned to 552 pages with Exhibits A through double-G.
- 11. On July 29, 2019, Petitioner sought to challenge the related-case and judicial reassignment orders, filing a writ petition with the Court of Appeal (Case No. B299523) (the "Writ Petition'). My firm, on behalf of Respondents, filed a preliminary opposition with the Court of Appeal, a copy of which preliminary opposition is attached hereto as **Exhibit 17.** On August 15, 2019, the Court of Appeal issued a two-sentence Order denying that Writ Petition. A copy of that Order is attached hereto as **Exhibit 18.**
- 12. After reassignment of this case to Judge Alarcon, and at the same time she filed her Writ Petition, Petitioner also filed a C.C.P. § 170.6 challenge against him, which triggered further rounds of briefing because the challenge was untimely. A copy of Petitioner's challenge is attached hereto as **Exhibit 19**. A copy of Judge Alarcon's subsequent acceptance of the challenge and order to transfer the case to Department 1 is attached hereto as **Exhibit 20**. On August 12, 2019, Department 1 reassigned this case (and the related confirmation action) to Department 96. A copy of that order is attached hereto as **Exhibit 21**.
- 13. The parties then filed their respective opposition papers to the cross-petitions. To refute Petitioner's motion to vacate and correct the record, Respondents had to present a full picture going back to the beginning of the arbitration that began over a decade before, assembling 48 exhibits in the process. Petitioner filed an opposition and supporting declaration over 690 pages long with exhibits A

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through double-H. In addition to their respective reply papers, the briefing also included rounds of filings triggered by Petitioner's serial evidentiary objections.

- 14. On December 2, 2019, Judge Mohr recused himself, and this matter was reassigned again—this time to this Department. A copy of that order is attached hereto as **Exhibit 22.** On February 27, 2020, this Department heard the matter and—based on Petitioner's false assertions at the hearing—ordered supplemental briefing. A copy of that order is attached hereto as Exhibit 23. The parties then filed their respective supplemental briefs, along with ancillary briefing regarding Petitioner's objections to Respondent's brief.
- 15. On April 7, 2020, this Court issued its ruling, denying Petitioner's petition and motion to vacate, and granting Respondents' cross-petition to confirm the Phase II Partial Final Arbitration Award. Attached hereto as **Exhibit 24** is a copy of the Court's April 7, 2020 Minute Order. Respondents submitted a proposed form of judgment, to which Petitioner did not object, and, on May 12, 2020, almost a full year after this action began, this Court entered Judgment in Respondents' favor, providing that "Respondents are the prevailing parties" and "may seek their attorneys' fees for this action by motion." Attached hereto as **Exhibit 25** is a copy of the Notice of Entry of Judgment.

Respondents' Requested Attorneys' Fees Are Reasonable.

- 16. Respondents had a core team of attorneys during this action. The team for the trial court action consisted of myself, shareholder Matthew R. Gershman, and associates Christopher Ramos, Jamie Vogel, and Kelsey Sherman. The team for dealing with Petitioner's related failed Writ Petition in the Court of Appeal consisted of myself, shareholders Matthew R. Gershman and Karin Bohmholdt, and associate Kelsey Sherman.
- 17. I am a commercial civil litigation shareholder at Greenberg Traurig, LLP, and the Co-Chair of the Real Estate Litigation Practice and Chair of the Western Region Real Estate Litigation Group. I have particular experience in litigation involving real estate, real estate financing, commercial real estate leasing, real estate related bankruptcies, and trusts holding vast real estate assets, as well as experience in litigation and pre-litigation counseling involving securitized loan portfolios, bond financings, loan and loan portfolio workouts and restructurings, construction financing, partnership and joint venture disputes, complex eminent domain, lease disputes, entitlements, title issues, title insurance,

- and real property related environmental matters. Attached hereto as **Exhibit 26** is a copy of my biography pulled from the firm's website. I have been lead counsel in the underlying arbitration and related court proceedings since inception in 2008 and have headed up the litigation team in this action, setting overall strategy, developing the facts and arguments, supervising drafting of briefing, handling court appearances, and otherwise directing the litigation.
- 18. Matthew R. Gershman is a shareholder in Greenberg Traurig, LLP's litigation and appellate groups, with particular experience in disputes involving real estate, family trust management, copyright and trademark claims, and class actions. Attached hereto as **Exhibit 27** is a copy of Mr. Gershman's biography pulled from the firm's website. Mr. Gershman had primary responsibility in this action for drafting the briefing and attending all court appearances, developing case strategy, and for managing the case on a day-to-day basis. For the majority of this action, Mr. Gershman and I were the two attorneys handling the case, with additional assistance of other attorneys as appropriate and as discussed below.
- Traurig's Los Angeles Litigation Practice. She has particular experience in appellate work in both state and federal courts, including writs and permissive appeals. Ms. Bohmholdt graduated *magna cum laude* from Loyola Law School in Los Angeles in 2004, and she clerked for the Hon. Stephen S. Trott on the U.S. Court of Appeals for the Ninth Circuit. Attached hereto as **Exhibit 28** is a copy of Ms. Bohmholdt's biography pulled from the firm's website. Ms. Bohmholdt aided with respect to analyzing Petitioner's Writ Petition filed with the Court of Appeal, and with revising Respondents' preliminary opposition thereto.
- 20. Three litigation associates provided additional assistance. Christopher Ramos and Kelsey Sherman assisted in this action while associate Jamie Vogel was on a leave of absence in 2019. Mr. Ramos was responsible for research and analysis in support of briefing in this action, as well as preliminary drafting of the reply in support of Respondents' Cross-Petition to Confirm the Arbitration Award. Ms. Sherman also assisted with research and analysis in support of briefing in this action, as well as preliminary drafts of Respondents' opposition to Petitioner's peremptory challenge and response to Petitioner's objections to the declaration filed in support of Respondents' opposition to the motion to

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vacate. Jamie Vogel provided research and analysis in support of late-stage briefing in this action and was assisted with preparation for the hearing on the Petition to Vacate and Respondents' Cross-Petition to Confirm the Arbitration Award. Mr. Ramos is no longer with the firm and attached hereto as **Exhibit 29** is an archived copy of Mr. Ramos's biography from the firm's website. Attached hereto as Exhibit 30 is a copy of Ms. Vogel's biography from the firm's website. Attached hereto as Exhibit 31 is a copy of Ms. Sherman's biography from the firm's website.

Page ID #:2941

- 21. To be clear, care was taken in the staffing and delegation of responsibility to avoid overlap and duplication. Thus, Mr. Gershman ran point on the briefs and was the lead drafter on the team, while I supervised overall strategy, attended hearings, and had final review on briefs and other drafted documents. Ms. Bohmholdt aided in dealing with the Writ Petition in the Court of Appeal, and the other junior attorneys contributed primarily in support and research roles, and occasionally with preliminary drafting, as detailed above. Other billing timekeepers—such as paralegal support—have not been included here in this fee request.
- 22. I have reviewed the time entries for this matter to determine how much time was billed by each attorney timekeeper in the core team (and the year in which that time was billed). The total hours incurred by each such attorney—with respect to this action in the trial court—are as set forth in the chart below:

Attorney	Title	Law School	Hours (and year in which hours worked)
Timekeeper		graduation year	
Eric Rowen	Shareholder	1982	37.5 (2019)
			8.0 (2020)
Matthew Gershman	Shareholder	2007	90.7 (2019)
			16.4 (2020)
Christopher Ramos	Associate	2014	63.6 (2019)
Jamie Vogel	Associate	2015	11.7 (2019)
Kelsey Sherman	Associate	2018	59.8 (2019)

The total hours incurred by each such attorney—with respect to dealing with Petitioner's failed Writ Petition in the Court of Appeal—are as set forth in the chart below:

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Title	Law School	Hours (and year in which hours worked)
	graduation year	
Shareholder	1982	4.1 (2019)
Shareholder	2004	1.9 (2019)
Shareholder	2007	5.0 (2019)
Associate	2018	0.7 (2019)
	Shareholder Shareholder Shareholder	graduation year Shareholder 1982 Shareholder 2004 Shareholder 2007

23. Respondents' core team of professionals each charged the following hourly rates comparable to the prevailing rates of attorneys of similar skill and experience:

Attorney	Title	Law School	Hourly Rate(s) (and year in which hourly
Timekeeper		graduation year	rate applied)
Eric Rowen	Shareholder	1982	\$1,250 (2019)
			\$1,315 (2020)
Karin Bohmholdt	Shareholder	2004	\$880 (2019)
Matthew Gershman	Shareholder	2007	\$830 (2019)
			\$890 (2020)
Christopher Ramos	Associate	2014	\$695
Jamie Vogel	Associate	2015	\$580
Kelsey Sherman	Associate	2018	\$445

24. Thus, the total amount of fees incurred for these services—with respect to this action in the trial court—based on the hours and rates identified above, are as set forth in the chart below:

Attorney	Hours (and year in	Hourly Rate(s) (and year in	Fees
Timekeeper	which hours worked)	which hourly rate applied)	
Eric Rowen	37.5 (2019)	\$1,250 (2019)	\$46,875.00
	8.0 (2020)	\$1,315 (2020)	\$10,520.00
Matthew Gershman	90.7 (2019)	\$830 (2019)	\$75,281.00
	16.4 (2020)	\$890 (2020)	\$14,596.00

Christopher Ramos	63.6 (2019)	\$695 (2019)	\$42,202.00
Jamie Vogel	11.7 (2019)	\$580 (2019)	\$6,786.00
Kelsey Sherman	59.8 (2019)	\$445 (2019)	\$26,611.00
TOTAL	287.7		\$222,871.00

The total amount of fees incurred for these services—with respect to dealing with Petitioner's failed Writ Petition in the Court of Appeal—based on the hours and rates identified above, are as set forth in the chart below:

Attorney	Hours (and year in	Hourly Rate(s) (and year in	Fees
Timekeeper	which hours worked)	which hourly rate applied)	
Eric Rowen	4.1 (2019)	\$1,250 (2019)	\$5,125.00
Karin Bohmholdt	1.9 (2019)	\$880 (2019)	\$1,672.00
Matthew Gershman	5.0 (2019)	\$830 (2019)	\$4,150.00
Kelsey Sherman	0.7 (2019)	\$445 (2019)	\$311.50
TOTAL	11.7		\$11,258.50

Thus, the total amount of fees incurred for both the trial court litigation and with respect to dealing with Petitioner's failed Writ Petition in the Court of Appeal is **\$234,129.50** (\$222,871 + \$11,258.50).

- 25. Where individual time entries included time incurred for both this proceeding as well as other tasks, such as work related to the arbitration, I conservatively trimmed the time entry to my best reasonable estimate of time incurred solely with respect to the work performed for this proceeding. Thus, the amount requested here represents my best calculation of the reasonable fees incurred as to this action, erring on the side of caution so as not to include any other time.
- 26. I personally reviewed the billings on which the summaries above are based, and I supervised the preparation of these summaries based on review of contemporaneous firm records reflecting total billings, and time records reflecting the work performed by our team on a month-by-month basis. I personally am familiar with the way in which such records are kept and can attest that our time records are inputted at or near the time of the events reflected therein and are kept and maintained electronically in the ordinary course of our firm's business.

- Respondents to incur the fees requested due, in part, to Petitioner having filed (i) a 480-page petition to vacate with exhibits A through double-C, (ii) a 552-page motion to vacate and supporting declaration with exhibits A through double-G, (iii) a 690-page opposition to Respondents' cross-petition with exhibits A through double-H, (iv) a 104-page opposition to a Notice of Related Cases, (v) serial evidentiary objections throughout this litigation, (vi) an untimely C.C.P. § 170.6 challenge that necessitated further rounds of briefing, and (v) a failed Writ Petition with the Court of Appeal to challenge a related case ruling, which petition necessitated a preliminary opposition. Additionally, due to several judge reassignments, the hearings on Petitioner's Petition to Vacate and Respondents' Cross-Petition to Confirm were continued several times. That led to additional time and costs for preparing for oral argument, only for the hearing to be continued again and again.
- 28. All things considered, and as detailed herein and in the Motion, these fees were necessarily and reasonably incurred, especially considering the work involved, the experience and skill of the attorneys involved, and the prevailing rates at other comparable law firms in Los Angeles.
- 29. For context, Greenberg Traurig, LLP, was ranked in May 2017 as the largest U.S. law firm, with more than 35 locations at that time throughout the United States and abroad and more than 1,700 attorneys in the United States. Attached hereto as **Exhibit 32** is a copy of an article titled "Turning 50, Greenberg Traurig Tops the Law360 400," <www.law360.com/articles/929048>. The firm has grown now to have 41 offices worldwide. The Real Estate Litigation Practice Group that I chair was awarded 2017 "Law Firm of The Year Real Estate Litigation," U.S. News—Best Lawyers.
- 30. With that context in mind, attached hereto as **Exhibit 33** is a copy of The National Law Journal's 2015 survey of hourly billing rates. According to the 2015 Survey, four years before this case was even filed, when rates were generally lower than those charged in 2019 and 2020, the average partner hourly rates at 49 other comparable firms ranged from \$715 to \$1,055, and the average associate hourly rates at those same firms ranged from \$290 to \$678.
- 31. By way of further example, in 2018 to support her own fee application in prior litigation between these same parties as evidence of reasonable hourly rates, Petitioner submitted a Thomson Reuters California Region survey from December 2016—which shows that three years before this case

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was filed, when rates were generally lower than those charged in 2019 and 2020, partner hourly billing rates ranged from \$675 (for a 6th-year partner) to \$1,350 (for a 32-year partner), while associate hourly billing rates ranged from \$675 to \$995 (excluding one outlier 16-year associate's billing rate). While Petitioners' entire fee application from that prior action are in the Court's records, the filing exceeds 500 pages; accordingly, for the Court's convenience, attached hereto as Exhibit 34 is a copy of the relevant portions of Petitioners' fee application from that prior action (Case No. BC667970), as well the Thomson Reuters California Region surveys on which Petitioner relied and that she submitted to the Court. Though the Court denied Petitioner's fee application in that prior litigation, it was because Petitioner was not a prevailing party in that matter either. Attached hereto as **Exhibit 35** is a copy of the Court's April 18, 2018 Minute Order denying Petitioner's fee application in that case on that ground.

- 32. Additionally, a June 2018 Report by PricewaterhouseCoopers LLP ("PWC Survey") further supports the conclusion that the above-referenced hourly rates are consistent with, or less than, the prevailing rates for attorneys with experience at other law firms of similar size and pedigree that operate offices in Los Angeles. I understand that Greenberg Traurig, LLP's subscription agreement with PricewaterhouseCoopers LLP does not permit me to include the PWC Survey as an exhibit to this declaration. However, according to the PWC Survey, at other firms of similar size and pedigree that operate offices in Los Angeles, (i) the 1st Quartile for the hourly rate of equity partners with 36-40 years' experience was \$1,183, as compared to Mr. Rowen's hourly rates in 2019 and 2020 of \$1,250 and \$1,315, respectively, (ii) the 1st Quartile for the hourly rate of equity partners with 11-15 years' experience was \$988, as compared to Mr. Gershman's hourly rates in 2019 and 2020 of \$830 and \$890, respectively, and to Ms. Bohmholdt's hourly rate in 2019 of \$880, (iii) the 1st Quartile for the hourly rate of associates graduating law school in 2014 was \$695, the same as Mr. Ramos's hourly rate in 2019, (iv) the 1st Quartile for the hourly rate of associates graduating law school in 2015 was \$640, as compared for Ms. Vogel's hourly rate in 2019 of \$580, and (v) the 1st Quartile for the hourly rate of 1styear associates was \$491, as compared to Ms. Sherman's hourly rate as a 1st-year associate of \$445.
- In sum, based on the PWC Survey, and consistent with his extensive experience and 33. successful track record, Mr. Rowen's rates in 2019 and 2020 would rank in the top 25% of 2018 rates charged at comparable firms, though it still would be less than rates charged in 2016 by a partner with

lesser experience according to Petitioner's Thomson Reuters California Region Survey. Moreover, when comparing 2018 rates from comparable firms to Mr. Rowen's rates in 2019 or 2020, one must keep in mind that 2018 rates were generally lower than those charged in 2019 and 2020. As for the rest of the core team of professionals, based on the PWC Survey, all their rates during 2019 or 2020 would rank either exactly at or below the top 25% of 2018 rates charged at comparable firms—again, even though rates in 2018 were lower than rates in 2019 and 2020. The rates for Messrs. Gershman and Ramos, as well as Ms. Bohmholdt, Ms. Vogel, and Ms. Sherman also compare similarly to the rates noted in the surveys from several years prior in 2015 (by the National Law Journal) and 2016 (by Thomas Reuters).

34. Moreover, the fees requested here also are reasonable when considering the stakes. Namely, the arbitration award at issue concerned the in-kind allocation of assets based on relative equity values, where the Petitioner's expert in the arbitration opined the assets had a total equity value of

Namely, the arbitration award at issue concerned the in-kind allocation of assets based on relative equity values, where the Petitioner's expert in the arbitration opined the assets had a total equity value of \$401,600,000, which opinion he revised later to \$399,900,000. **Exhibit 36** is the relevant excerpt from Petitioner's expert's exhibit in the underlying arbitration, showing his original and revised opinions of total equity value. Respondents' expert in the arbitration opined the assets had a total equity value of \$127,617,000, and a copy of the relevant excerpt from that report is attached as **Exhibit 37**. Either way, as shown in **Exhibit 11** (at pp. 9-11), Justice Zebrowski's Phase II Partial Final Arbitration Award awarded assets equal to 78% of the total equity value to Respondents, and assets equal to 22% of the total equity value to Petitioner.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of July 2020 at Malibu, California.

/s	/ Eric	V. Rower	n

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EXHIBIT 5

Electronically FILED by Superior Court of California, County of Los Angeles on 01/14/2022 01:11 PM Sherri R. Carter, Executive Officer/Clerk of Court, by S. Bolden, Deputy Clerk Case 2:20-cv-02291-DOC-KES Document 1022-13 Filed 08/08/25 Page 2 of 13

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DECLARATION OF ERIC V. ROWEN

Page ID #:29428

2|| I, Eric V. Rowen, declare as follows:

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1. I am an attorney at law duly licensed to practice by the State of California and before this Court. I am a shareholder at Greenberg Traurig, LLP, and am counsel responsible for the representation of Respondents The Enterprise, Gilad Lumer, Harry Lumer, Sr., Stuart Rubin, and David Wank ("Respondents"). As such, I have personal knowledge of the following facts, except as to those matters which are based on information and belief, as to which I believe them to be true, and I would competently testify thereto if necessary.

The Enterprise Agreement and underlying arbitration

- Respondents and Petitioner Ann Simons ("Petitioner") entered into an Enterprise 2. Agreement in 2001. In 2008, the Enterprise Agreement was amended to provide for a reorganization and termination of Petitioner's position as Vice President. Attached hereto as **Exhibit 1** is a copy of the Enterprise Agreement.
- 3. In 2008, Petitioner filed the underlying arbitration, seeking to unwind the amendment to the Enterprise Agreement, and Justice John Zebrowski (Ret.) was appointed as the arbitrator in early 2009. The arbitration proceeded in phases, with issues relating to governance and the validity of the Amendment to be resolved first in Phase 1. On March 3, 2010, Justice Zebrowski issued a Partial Final Award for the first phase, which confirmed the validity of the amendment to the Enterprise Agreement and new management structure. Attached as **Exhibit 2** is a copy of the March 3, 2010 Phase 1 Partial Final Award.

This Court confirms Justice Zebrowski's Phase I Partial Final Arbitration Award.

In June 2010, Respondents filed a petition to confirm the Phase 1 Partial Final Award, a copy of which is attached as **Exhibit 3**. The Court subsequently entered an Order in favor of Respondents and against Petitioner. Attached as Exhibit 4 is a copy of the Court's (Hon. Judge Alarcon) Order confirming the Phase I Partial Final Award.

Petitioner tries and fails to replace Justice Zebrowski in the arbitration.

Unhappy with the prior outcome from Phase I, Petitioner sent a letter to the AAA requesting disqualification of Justice Zebrowski in 2014. Petitioner's effort was unsuccessful.

Justice Zebrowski orders a further phasing of the arbitration.

- 6. In 2015, after Petitioner's attempts to replace the arbitrator failed, Justice Zebrowski asked the parties to provide updated statements identifying the issues to be tried in Phase II. On May 15, 2015, both sides updated their arbitration claims.
- 7. After briefing and argument, and in order to expedite the separation of the two side's respective business interests, Justice Zebrowski ordered further phasing and determined that the separation

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issues would be adjudicated before any claims for monetary relief. A copy of Justice Zebrowski's Order explaining that is attached as **Exhibit 5.**

Phase II concludes with Justice Zebrowski issuing the Phase II Partial Final Arbitration Award.

8. Phase II evidentiary hearings were held in December 2015, as well as an additional 18 days spanning August 2017 to August 2018. After closing briefing and argument, and after receiving and considering comments from both sides about a tentative ruling, Justice Zebrowski issued his Phase II Partial Final Arbitration Award, a copy of which is attached as **Exhibit 6.**

Petitioner unsuccessfully seeks to vacate the Phase II Partial Final Arbitration Award.

- 9. On May 21, 2019, Petitioner filed her petition to vacate the Phase II Partial Final Award. Respondents filed a cross-petition for confirmation of the Phase II Partial Final Award. Although Petitioner had filed a lengthy petition to vacate at the outset of this action, Petitioner additionally filed a motion to vacate.
 - 10. The parties then filed their respective opposition papers to the dueling cross-petitions.
- 11. On February 27, 2020, this Department heard the matter and—based on Petitioner's false assertions at the hearing—ordered supplemental briefing. The parties then filed their respective supplemental briefs, along with briefing regarding Petitioner's objections to Respondent's brief.
- 12. On April 7, 2020, this Court issued its ruling, denying Petitioner's petition and motion to vacate, and granting Respondents' cross-petition to confirm the Phase II Partial Final Arbitration Award. Attached as **Exhibit 7** is a copy of the Court's April 7, 2020 Minute Order. Respondents submitted a proposed form of judgment, to which Petitioner did not object, and, on May 12, 2020, almost a full year after this action began, this Court entered Judgment in Respondents' favor, providing that "Respondents are the prevailing parties" and "may seek their attorneys' fees for this action by motion." Attached as **Exhibit 8** is a copy of the Notice of Entry of Judgment.

Petitioner's Merits Appeal

- 13. On May 28, 2020, Petitioner filed a notice of appeal from this Court's May 12, 2020 Judgment.
- 14. Due to Respondent Harry Lumer's senior status and the imminent risks posed at the time by COVID-19, Respondents filed a motion for calendar preference on July 8, 2020. Attached as **Exhibit** 9 is a copy of Respondents' motion for calendar preference (exhibits omitted for brevity). Petitioner opposed. Respondents filed their reply brief on July 24, 2020. Attached as **Exhibit 10** is a copy of Respondents' reply. The Court of Appeal denied calendar preference.
- 15. The Reporter's Transcript was finished on October 9, 2020. Over a month later, on November 12, 2020, Petitioner filed a request for an extension to file her opening brief, which

Respondents did not oppose and which was granted. On December 10, 2020, Petitioner filed a second request for an extension to file her opening brief; Respondents again did not oppose, and it was granted. Then, on January 14, 2021, Petitioner filed a third request for an extension of time to file her opening brief; this time, Respondents opposed. Attached as **Exhibit 11** is a copy of Respondents' opposition to Petitioner's third request (exhibits omitted for brevity). The Court of Appeal granted Petitioner's third extension request, but also held no further extensions would be granted. Attached hereto as **Exhibit 12** is a copy of the Court of Appeal's order.

- 16. Almost a full year after taking the appeal, on March 8, 2021, Petitioner filed her opening brief. Petitioner also filed an eleven-volume appendix totaling 4,435 pages. Attached hereto as **Exhibit** 13 is a copy of Petitioner's opening brief.
- 17. Respondents then filed their respondents' brief and a motion for judicial notice. Attached hereto as **Exhibits 14** and **15** are copies of the respondents' brief and motion for judicial notice, respectively.
- 18. After the respondents' brief was filed, the Fourth Appellate District issued a new decision relevant to the appeal; Respondents filed a supplemental authority letter, bringing the new decision to the Court of Appeal's attention under Rule of Court 8.254. Attached as **Exhibit 16** is a copy of the supplemental authority letter.
- 19. Petitioner opposed Respondents' motion for judicial notice and also filed an appellant's reply brief.
- 20. On August 16, 2021, the Court of Appeal sent the parties a letter requesting supplemental briefing on a certain issue in the appeal, and the parties filed their supplemental letter briefs on August 27, 2021. Attached hereto as **Exhibits 17** and **18** are copies of the Court's letter and Respondents' supplemental letter brief.
- 21. The Court of Appeal heard oral argument on September 13, 2021, and, within the month, issued its unpublished Opinion in favor of Respondents. Attached as **Exhibit 19** is a copy of the Court of Appeal's Opinion. The Court of Appeal rejected every one of Petitioner's attacks on this Court's judgment and the underlying arbitration award, holding "the trial court properly denied the petition to vacate the arbitration award," and that "there is no merit to Simons's objections to the arbitrator's award." The Opinion further concluded Respondents were entitled to an interlocutory judgment confirming the Phase II Partial Final Arbitration Award and "may recover their appellate costs."
- 22. The Court of Appeal issued the remittitur on December 6, 2021. Attached as **Exhibit 20** is a copy of the Court of Appeal's Remittitur. The remittitur stated that the Court of Appeal's September

costs."

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Petitioner's Fees/Costs Appeal

23. Still pending before the Court of Appeal as Case No. B309885 is Petitioner's separate appeal taken from this Court's post-judgment orders awarding Respondents their prevailing-party attorney's fees and costs. This Court may recall Petitioner opposed Respondents' post-judgment fee motion. Attached as Exhibit 21 is a copy of my declaration (without exhibits) filed on July 1, 2020 in support of Respondents' post-judgment fee motion. Attached as Exhibit 22 is a copy of Petitioner's opposition (without exhibits).

30 opinion had "now become final," and confirmed again that Respondents "may recover their appellate

- 24. This Court heard Respondents' last prevailing-party fee motion on October 7, 2020. Attached as Exhibit 23 is a copy of the transcript from the October 7, 2020 hearing. Attached as Exhibit 24 is a copy of the Court's October 8, 2020 Order granting Respondents' last prevailing-party fee motion.
- 25. To be clear, this information regarding Petitioner's appeal from the post-judgment fee and cost award is provided for context. The work performed for those post-judgment proceedings and Petitioner's appeal therefrom is not included in the lodestar for this motion. Only the work involved with Petitioner's appeal from the judgment, and the work to prepare this fees motion is included in this motion's fee request.

Respondents' Requested Attorneys' Fees

- 26. Respondents had a core team of attorneys handle Petitioner's appeal from the judgment. That team included myself, shareholder Scott Bertzyk, shareholder Matthew R. Gershman, and associate Laval Bishara.
- 27. I am a commercial civil litigation shareholder at Greenberg Traurig, LLP, and the Co-Chair of the Real Estate Litigation Practice and Chair of the Western Region Real Estate Litigation Group. I have particular experience in litigation involving real estate, real estate financing, commercial real estate leasing, real estate related bankruptcies, and trusts holding vast real estate assets, as well as experience in litigation and pre-litigation counseling involving securitized loan portfolios, bond financings, loan and loan portfolio workouts and restructurings, construction financing, partnership and joint venture disputes, complex eminent domain, lease disputes, entitlements, title issues, title insurance, and real property related environmental matters. Attached as **Exhibit 25** is a copy of my biography pulled from the firm's website. I have been lead counsel in the underlying arbitration and related court proceedings since inception in 2008 and have headed up the litigation team in this action, setting overall strategy, supervising drafting of briefing, handling trial court appearances, and otherwise directing the litigation.

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appellate issues. Attached as **Exhibit 26** is a copy of Mr. Bertzyk's biography pulled from the firm's website. Mr. Bertzyk had primary responsibility for directing briefing strategy on appeal, revisions to appellate court draft papers, and handling the appellate oral argument.

29. Matthew R. Gershman is a shareholder in Greenberg Traurig, LLP's litigation and appellate groups, with particular experience in disputes involving real estate, family trust management, copyright and trademark claims, and class actions. Attached as **Exhibit 27** is a copy of Mr. Gershman's

groups, with particular experience in disputes involving real estate, family trust management, and

Scott D. Bertzyk is a shareholder in Greenberg Traurig, LLP's litigation and appellate

30. One litigation associate provided additional assistance for the appeal. Ms. Bishara was principally responsible for research support, as well as initial drafting of Respondents' motion for calendar preference and a motion for judicial notice. Attached as **Exhibit 28** is a copy of Ms. Bishara's biography from the firm's website.

biography pulled from the firm's website. Mr. Gershman had primary responsibility for drafting the

appellate court filings and for managing the case on a day-to-day basis.

- 31. Care was taken in the staffing and delegation of responsibility to avoid overlap and duplication. Thus, Mr. Gershman ran point on the briefs and was the principal appellate drafter on the team, while I supervised overall strategy and had final review on briefs and other court filings. Mr. Bertzyk took the lead on oral argument, directing briefing strategy, and aided in revising the respondents' brief and supplemental letter brief. And Ms. Bishara contributed primarily in a support and research role, and occasionally with initial drafting, as detailed above. The delegation of work by experience level is further evidenced in the breakdown of billed hours detailed in charts provided below. Additionally, for the sake of computing a conservative lodestar, other billing timekeepers on the appeal—such as paralegal support—have not been included in this fee request.
- 32. I have reviewed the time entries for this matter to determine how much time was billed by each attorney timekeeper in the core team (and the year in which that time was billed) for work on Petitioner's appeal taken from the judgment. The total hours incurred by each such attorney with respect to this appeal are as set forth in the chart below:

Timekeeper	Title	Law School graduation year	Hours (and year in which hours worked)	Totals
Eric Rowen	Shareholder	1982	1.6 (2020)	9.0
			7.4 (2021)	9.0
Scott Bertzyk	Shareholder	1984	32.5 (2021)	32.5
Matthew Gershman	Shareholder	2007	14.9 (2020)	116.6
			101.7 (2021)	110.0
Layal Bishara	Associate	2019	6.4 (2020)	20
			21.6 (2021)	28
				186.1

33. Only 2.4 of these total hours—billed at \$3,002.00 dollars—come from time entries commonly referred to as "block-billed" entries. In these few instances, I carefully analyzed the block-billed entries to determine the portion attributable to these appellate proceedings, to arrive at 2.4 total hours from block-billed time. In doing so, I was conservative in leaning toward not including billed time from those handful of entries.

34. The work performed by each attorney also breaks down further as follows:

Motion Practice re: Calendar Preference							
Year	Timekeeper	Research	Legal Analysis,	Overseeing	Totals		
			Planning &	Strategy			
			Outlining, and				
			Drafting/Revising				
2020	Rowen	0	0	.4	.4		
	Gershman	0	11.1	1.5	12.6		
	Bishara	0	4	0	4		
Totals		0	15.1	1.9	17		

Motion Practice re: Petitioner's Extensions					
Year	Timekeeper	Research	Legal Analysis, Planning & Outlining, and Drafting/Revising	Overseeing Strategy	Totals
2020	Rowen	0	0	1.2	1.2
	Gershman	0	1.8	.2	2
2021	Rowen	0	0	1.5	1.5
	Gershman	0	.7	0	.7
Totals		0	2.5	2.9	5.4

Respon	Respondents' Brief, Motion for Judicial Notice, Supplemental Authority Letter					
Year	Timekeeper	Research	Legal Analysis,	Overseeing	Totals	
			Planning &	Strategy		
			Outlining, and			
			Drafting/Revising			
2020	Gershman	0	0	.3	.3	
	Bishara	1.3	0	0	1.3	
2021	Rowen	0	.5	3.8	4.3	
	Gershman	0	75.4	0	75.4	
	Bertzyk	0	14	0	14	
	Bishara	12	3.6	0	15.6	
Totals		13.3	93.5	4.1	110.9	

Supplemental Letter Brief requested by Court of Appeal					
Year	Timekeeper	Research	Legal Analysis,	Overseeing	Totals
			Planning &	Strategy	
			Outlining, and		
			Drafting/Revising		
2021	Rowen	0	.7	.4	1.1
	Gershman	0	22.3	.9	23.2
	Bertzyk	0	5.5	0	5.5
	Bishara	4.5	1.5	0	6
Totals		4.5	30	1.3	35.8

Preparing for and Attending Oral Argument (and other miscellaneous tasks)			
Year	Timekeeper	Time	
2020	Bishara	1.1	
2021	Rowen	.5	
	Gershman	2.4	
	Bertzyk	13	
Total		17	

- 35. With respect to the immediately above chart—"Preparing for and Attending Oral Argument (and other miscellaneous tasks)"—15 of the 17 hours consisted of preparing for and attending oral argument, and the remaining 2 hours involved corresponding with the court, and dealing with transcript designations.
- 36. Respondents' core team of professionals each charged the following hourly rates for work on this appeal:

Timekeeper	Title	Law School graduation year	Hourly Rate(s) (and year in which hourly rate applied)
Rowen	Shareholder	1982	\$1,315 (2020)
			\$1,380 (2021)
Bertzyk	Shareholder	1984	\$1,260 (2021)
Gershman	Shareholder	2007	\$890 (2020)
			\$935 (2021)
Bishara	Associate	2019	\$515 (2020)
			\$585 (2021)

37. Thus, the lodestar for these appellate services based on the hours and rates identified above, are as set forth in the chart below:

Timekeeper	Hours (and year in	Hourly Rate(s) (and year in Fees	
	which hours worked)	which hourly rate applied)	
Rowen	1.6 (2020)	\$1,315 (2020)	\$2,104.00
	7.4 (2021)	\$1,380 (2021)	\$10,212.00
Bertzyk	32.5 (2021)	\$1,260 (2021)	\$40,950.00
Gershman	14.9 (2020)	\$890 (2020)	\$13,261.00
	101.7 (2021)	\$935 (2021)	\$95,089.50
Bishara	6.4 (2020)	\$515 (2020)	\$3,296.00
	21.6 (2021)	\$585 (2021)	\$12,636.00
TOTAL	186.1		\$177,548.50

- 38. I personally reviewed the billings on which the summaries above are based, and I supervised the preparation of these summaries based on review of contemporaneous firm records reflecting total billings, and time records reflecting the work performed by our team on a month-by-month basis. I personally am familiar with the way in which such records are kept and can attest that our time records are inputted at or near the time of the events reflected therein and are kept and maintained electronically in the ordinary course of our firm's business.
- 39. I also supervise collections on billings for this matter, and the hourly rates identified above that were billed for this appellate work are, in fact, paid in this case.
- 40. The work involved in this appeal was substantial and caused Respondents to incur the fees requested. Not only did Respondents need to deal with Petitioner's numerous delays and then respond to a lengthy opening brief with eleven volumes of exhibits appended, but Respondents also were directed by the Court of Appeal to file a supplemental letter brief. Ultimately, the work underlying this fees request was successful, resulting in a 38-page Opinion in Respondents' favor.
- 41. All things considered, and as detailed herein and in the Motion, these fees were necessarily and reasonably incurred, especially considering the work involved, the experience and skill of the attorneys involved, and the prevailing rates at other comparable law firms in Los Angeles.

- 42. For context, Greenberg Traurig, LLP, was ranked in May 2017 as the largest U.S. law firm, with more than 35 locations at that time throughout the United States and abroad and more than 1,700 attorneys in the United States. Attached as **Exhibit 29** is a copy of an article titled "Turning 50, Greenberg Traurig Tops the Law360 400," <www.law360.com/articles/929048>. The firm has grown now to have 41 offices worldwide. The Real Estate Litigation Practice Group that I chair was awarded 2017 "Law Firm of The Year Real Estate Litigation," U.S. News—Best Lawyers.
- 43. With that context in mind, attached as **Exhibit 30** is a copy of The National Law Journal's 2015 survey of hourly billing rates. According to the 2015 Survey, five years before this appeal was even filed, when rates were generally lower than those charged in 2020 and 2021, the average partner hourly rates at 49 other comparable firms ranged from \$715 to \$1,055, and the average associate hourly rates at those same firms ranged from \$290 to \$678.
- 44. By way of further example, in 2018 to support her own fee application in prior litigation between these same parties as evidence of reasonable hourly rates, Petitioner submitted a Thomson Reuters California Region survey from December 2016—which shows that four years before this appeal was filed, when rates were generally lower than those charged in 2020 and 2021, partner hourly billing rates ranged from \$675 (for a 6th-year partner) to \$1,350 (for a 32-year partner), while associate hourly billing rates ranged from \$675 to \$995 (excluding one outlier 16-year associate's billing rate). While Petitioners' entire fee application from that prior action are in the Court's records, the filing exceeds 500 pages; accordingly, for the Court's convenience, attached as **Exhibit 31** is a copy of the relevant portions of Petitioners' fee application from that prior action (Case No. BC667970), as well the Thomson Reuters California Region surveys on which Petitioner relied and that she submitted to the Court. Though the Court denied Petitioner's fee application in that prior litigation, it was because Petitioner was not a prevailing party in that matter either. Attached as **Exhibit 32** is a copy of the Court's April 18, 2018 Minute Order denying Petitioner's fee application in that case on that ground.
- 45. Additionally, a June 2021 Report by PricewaterhouseCoopers LLP ("PWC Survey") further supports the conclusion that the above-referenced hourly rates are consistent with, or less than, the prevailing rates charged by non-IP litigation practice groups that operate offices in Los Angeles. I understand that Greenberg Traurig, LLP's subscription agreement with PricewaterhouseCoopers LLP does not permit me to include the PWC Survey as an exhibit to this declaration. However, according to the PWC Survey, at other firms in Los Angeles with non-IP litigation practice groups, (i) the 1st Quartile for the hourly rate of equity non-IP litigation partners with 36-40 years' experience was \$1,321, as compared to my hourly rates of \$1,315 in 2020 and \$1,380 in 2021, respectively, and to Mr. Bertzyk's hourly rate in 2021 of \$1,260, (ii) the 1st Quartile for the hourly rate of equity non-IP litigation partners

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- 46. In sum, based on the PWC Survey, and consistent with my extensive experience and successful track record, my rates in 2020 and 2021 would rank right around the first quartile of 2021 rates charged by comparably experienced equity partners in non-IP litigation practice groups in Los Angeles, though it still would be less than (or in 2021, slightly higher than) rates charged in 2016 by a partner with lesser experience according to Petitioner's Thomson Reuters California Region Survey. Mr. Bertzyk's rate in 2021 would rank below the first quartile of 2021 rates charged by comparably experienced equity partners in non-IP litigation practice groups in Los Angeles, though it still would be less than rates charged in 2016 by a partner with lesser experience according to Petitioner's Thomson Reuters California Region Survey. Moreover, when comparing 2016 rates to our rates in 2020 or 2021, one must keep in mind that 2016 rates were generally lower than those charged in 2020 and 2021. Indeed, a recent ABA Journal article stated that partners at comparable firms have increased their hourly rates to \$2,000. A copy of the ABA Journal article is attached hereto as **Exhibit 33**. As for the rest of the core team of professionals, based on the PWC Survey, all their rates during 2020 or 2021 would rank far below the first quartile of 2021 rates charged by comparably experienced non-IP litigation attorneys in comparable practice groups in Los Angeles, and Mr. Gershman's rates would rank below even the median 2021 rate charged by comparably experienced equity partners in non-IP litigation practice groups in Los Angeles. The 2020 and 2021 rates for Mr. Gershman and Ms. Bishara also compare similarly to the rates noted in the surveys from several years prior in 2015 (by the National Law Journal) and 2016 (by Thomas Reuters).
- 47. Moreover, the fees requested here also are reasonable when considering the stakes. The arbitration award at issue concerned the in-kind allocation of assets based on relative equity values, where (i) Petitioner's expert in the arbitration opined the assets had a total equity value of \$399,900,000, and (ii) Respondents' expert opined the total equity value was \$127,617,000. A copy of the relevant excerpt from Petitioner's expert's exhibit in the underlying arbitration, showing his opinion of total equity value, is attached as **Exhibit 34**, and a copy of Respondents' expert's opinion showing the same is attached as **Exhibit 35**. Either way, as shown in **Exhibit 6** (at pp. 9-11), Justice Zebrowski's Phase II Partial Final Arbitration Award awarded assets equal to 78% of the total equity value to Respondents, and assets equal to 22% of the total equity value to Petitioner. Thus, the stakes here were objectively large.
- 48. In addition to the appellate fees requested, the lodestar fees for preparing this motion and its supporting papers are as follows:

Timekeeper	Hours (and year in	Hourly Rate(s) (and year in	Fees
	which hours worked)	which hourly rate applied)	
Rowen	1.7 (2022)	\$1,450 (2022)	\$2,465.00
Gershman	1.2 (2021)	\$935 (2021)	\$1,122.00
	5.5 (2022)	\$990 (2022)	\$5,445.00
Bishara	5.8 (2021)	\$585 (2021)	\$3,393.00
	9 (2022)	\$665 (2022)	\$5,985.00
TOTAL	23.2		\$18,410.00

49. Thus, adding the fees incurred for this motion to the requested appellate fees equals a total fee request of \$195,958.50.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 14th day of January 2022.

/	s/Eric V	. Rowen	
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EXHIBIT 6

Document 1022-14 Page ID #:29439

1	THEODORE J. BOUTROUS JR., SBN 1	32099
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	tevangelis@gibsondunn.com	
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8	SCOTT A. EDELMAN, SBN 116927	
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11	Facsimile: 310.551.8741	
12	Attorneys for Defendants Rachel Maddov	v, <u>.</u> .
13	MSNBC Cable L.L.C., NBCUniversal Mo LLC, and Comcast Corporation	edia,
14		
15	UNITED STATE	S DISTRICT COURT
	SOUTHERN DISTR	RICT OF CALIFORNIA
16		
17	HEDDING NETWODES INC	CASE NO. 19-cv-1713-BAS-AHG
18	HERRING NETWORKS, INC.,	CASE NO. 19-CV-1/13-BAS-ANG
10	Plaintiff,	DECLARATION OF SCOTT A.
19	V.	EDELMAN IN SUPPORT OF DEFENDANTS' MOTION FOR
20	DACHEL MADDOW, COMCAST	ATTORNEYS' FEES AND COSTS
21	RACHEL MADDOW; COMCAST CORPORATION; NBCUNIVERSAL	(<u>Cal. Civ. Proc. Code § 425.16(c)(1))</u>
22	MEDIA, LLC; and MSNBC CABLE L.L.C.,	COURT TO ISSUE BRIEFING SCHEDULE AND HEARING DATE
23	Defendants.	Action Filed: September 9, 2019
24		Judge: Hon, Cynthia Bashant
25		Judge: Hon. Cynthia Bashant Magistrate Judge: Hon. Allison Goddard Courtroom 3B
26		
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- 1. I am an attorney at law licensed to practice in the State of California. I am a partner at Gibson, Dunn & Crutcher LLP ("Gibson Dunn") and counsel of record for Defendants Rachel Maddow, Comcast Corporation, NBCUniversal Media, LLC, and MSNBC Cable L.L.C. ("Defendants"). I am one of the supervising partners in charge of the work performed on this case by the attorneys and other professionals at Gibson Dunn.
- 2. I submit this declaration in support of Defendants' Motion for Attorneys' Fees and Costs pursuant to California Code of Civil Procedure section 425.16(c)(1). All statements in this declaration are based upon my personal knowledge and, if called upon to testify, I could and would testify to the facts set forth herein.

Gibson Dunn's Retention and Efforts Defending This Case

- 3. On September 9, 2019, Plaintiff Herring Networks, Inc. filed a Complaint for defamation in the United States District Court for the Southern District of California.
- 4. Gibson Dunn was retained soon thereafter, and we assembled a team of attorneys experienced in First Amendment jurisprudence, defamation actions, and anti-SLAPP practice. This team included the following individuals:
 - Theodore J. Boutrous, Jr., a partner at Gibson Dunn (a true and correct copy
 of Mr. Boutrous' biography, showing his credentials and experience, is
 attached hereto as Exhibit A);
 - Myself, Scott A. Edelman, a partner at Gibson Dunn (a true and correct copy
 of my biography, showing my credentials and experience, is attached hereto
 as Exhibit B);
 - Nathaniel L. Bach, a senior associate at Gibson Dunn (a true and correct copy of Mr. Bach's biography, showing his credentials and experience, is attached hereto as Exhibit C);

- Marissa B. Moshell, a mid-level associate at Gibson Dunn (a true and correct copy of Ms. Moshell's biography, showing her credentials and experience, is attached hereto as **Exhibit D**); and
- Daniel M. Rubin, a mid-level associate at Gibson Dunn (a true and correct copy of Mr. Rubin's biography, showing his credentials and experience, is attached hereto as Exhibit E).
- 5. I believe all of the aforementioned attorneys were both necessary and reasonable for the litigation of Defendants' successful Motion to Strike and, based on my experience, I believe that Gibson Dunn staffed and litigated this case in a reasonable, efficient, and appropriate manner.
- 6. Once our team was assembled, Defendants' counsel determined the best method for defeating Plaintiff's Complaint was to file a Special Motion to Strike under California Code of Civil Procedure section 425.16.
- 7. I communicated our intention of filing an anti-SLAPP motion to Amnon Z. Siegel of Miller Barondess LLP, counsel for Plaintiff, on September 25, 2019. Mr. Siegel would not agree to dismiss the Complaint. Mr. Siegel informed me that he still wanted to move forward with discovery, which he felt was permissible at that phase of the proceedings. As such, I had my team research the permissibility of discovery when defendants file a motion to strike based solely on the complaint and judicially noticeable materials (akin to a Rule 12(b)(6) motion to dismiss), as opposed to factual grounds. The parties met and conferred on this issue, but did not reach agreement on the permissibility of discovery. At no point during the meet and confer process, or anytime thereafter, did Plaintiff offer to dismiss its claim.
- 8. Substantial efforts went into the preparation of this dispositive motion. Gibson Dunn attorneys researched the legal doctrine of protected opinion, which requires a totality of the circumstances test in which numerous factors may be considered, requiring significant research. Defendants' counsel also researched the case law surrounding substantially true speech. Further, given that Plaintiff brought its

- Complaint in federal district court, Gibson Dunn attorneys needed to research the interplay between California's state anti-SLAPP statute and federal procedural law. Gibson Dunn attorneys also spent time analyzing the segment of *The Rachel Maddow Show* that was at the center of Plaintiff's lawsuit.
 - 9. Defendants filed their Special Motion to Strike on October 21, 2019.
- 10. Defendants received Plaintiff's Opposition to their Motion to Strike on December 2, 2019. The Opposition included three declarations, one of which was from an alleged linguistics expert, Professor Stefan Th. Gries. Professor Gries submitted a report with 17 single-spaced pages of analysis concerning Rachel Maddow's statement.
- 11. Gibson Dunn did not hire an expert to rebut Professor Gries' expert report. Defendants' counsel understood that evidentiary submissions of this sort were improper at this stage of the proceedings, and chose not to waste time and resources retaining an expert to work on a report that should not be considered. Plaintiff's improper submission did, however, compel Defendants to research the impropriety of evidentiary submissions in the context of a special motion to strike submitted on a legal basis only. Defendants' counsel also conducted further research to respond to Plaintiff's other arguments.
 - 12. Defendants filed their reply brief on December 9, 2019.
- 13. The next day, Mr. Siegel contacted Defendants' counsel and informed Defendants of his plan to file an *Ex Parte* Application to Supplement the Record. Mr. Siegel wanted to submit new *evidence* of a December 9, 2019 episode of *Hardball* with Chris Matthews. Defendants' counsel again told Mr. Siegel that evidentiary submissions were improper at this stage, and that the video was irrelevant. Plaintiff nonetheless filed its *Ex Parte* Application on December 11, 2019.
- 14. As a result of Plaintiff's *Ex Parte* Application, Defendants' counsel was forced to undertake even further research and briefing to oppose the Application. Defendants filed their Opposition on December 13, 2019.

16. The Court heard telephonic oral argument on May 19, 2020, and issued an Order granting Defendants' Special Motion to Strike on May 22, 2020. A true and correct copy of the transcript of the hearing on Defendants' Special Motion to Strike is attached hereto as **Exhibit F**.

Gibson Dunn's Fees

17. Gibson Dunn was retained on a modified contingency fee basis—NBCU agreed to pay Defendants' counsel a rate of \$100,000 for the filing and argument on the Anti-SLAPP Motion. NBCU further agreed that, if they were successful on the Anti-SLAPP Motion and recovered from Plaintiff, they would pay Gibson Dunn any difference between the \$100,00 and the fees actually incurred by counsel.

18. At the time Gibson Dunn was retained in 2019, our standard hourly rates were as follows:

Timekeeper	Standard 2019 Rate/Hour
Theodore J. Boutrous, Jr.	\$1,450
(Partner)	
Scott A. Edelman	\$1,335
(Partner)	
Nathaniel L. Bach	\$915
(Senior Associate)	
Marissa B. Moshell	\$625
(Mid-Level Associate)	
Daniel M. Rubin	\$625
(Mid-Level Associate)	
Lolita C. Gadberry	\$460

(Paralegal)		
Erin E. Kurinsky	\$270	
(Researcher)		
Carla H. Jones	\$270	
(Researcher)		

19. Starting in January 2020, our standard hourly rates were as follows:

Timekeeper	Standard 2020 Rate/Hour
Theodore J. Boutrous, Jr.	\$1,525
(Partner)	
Scott A. Edelman	\$1,395
(Partner)	
Nathaniel L. Bach	\$960
(Senior Associate)	
Marissa B. Moshell	\$740
(Mid-Level Associate)	
Lolita C. Gadberry	\$480
(Paralegal)	
Duke K. Amponsah	\$480
(Paralegal)	

- 20. Based on my reading of the relevant case law, fee applications submitted in other district courts in California, and my overall familiarity with rates charged by my firm's competitors, it is my understanding that these rates are comparable to the rates charged by peer firms and attorneys with similar skill and experience.
 - Attached hereto as Exhibit G is a true and correct copy of an April 2020 fee application submitted in bankruptcy court in the northern district of California, which reflects hourly billing rates for litigation partners and associates from Weil, Gotshal & Manges LLP charged in 2019 and 2020.
 This fee application shows that Weil charged rates up to \$1,325 per hour for litigation partners, and between \$595 and \$1,050 for litigation associates. Ex. G at 7-9.

- Attached hereto as Exhibit H is a true and correct copy of an excerpt from the Public Rates Report issued by Thomson Reuters on January 14, 2020. The Thomson Reuters report shows the rates charged by attorneys for matters in various jurisdictions, including the northern and central districts of California. Exhibit H excerpts those entries pertaining to any district of California entries on the report. The report shows that, in 2019, senior attorneys were charging up to \$1,145 per hour for work performed in the northern district of California. Ex. H at 2.
- Attached hereto as Exhibit I is a true and correct copy of an excerpt from the Public Rates Report issued by Thomson Reuters in September 2018. The Thomson Reuters report shows the rates charged by attorneys for matters in various jurisdictions, including California districts, from 2006 to 2015. Exhibit I excerpts those entries pertaining to any district of California entries on the report. The report shows that as early as 2012, eight years ago, senior attorneys were charging upwards of \$800 per hour in the southern district of California. Ex. I at 257. As early as 2013, seven years ago, certain senior attorneys were already charging over \$1,000 per hour in the central district of California. Id. at 139.
- 21. Gibson Dunn's hourly rates are also appropriate in light of the high degree of sophistication, experience, and excellence that Gibson Dunn attorneys bring to bear on their work (as demonstrated by the success in the present litigation).
- 22. I have reviewed Gibson Dunn's timekeeping records for this case, and the time referenced in these records reflects the time actually worked in connection with this matter. I have become very familiar with such records and the processes by which the firm creates and maintains them. In the regular course of business, Gibson Dunn maintains records of time spent by individual attorneys and other professionals with respect to each client matter. In recording their timekeeping entries, attorneys at

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Gibson Dunn are required to specify the client and matter, the nature of the work performed, and the amount of time that they expend on a designated task(s).

- The work performed on this matter by the attorneys and other 23. professionals at Gibson Dunn can be categorized as follows:
 - (1) reviewing and analyzing Plaintiff's Complaint and discussing initial strategy to defeat Plaintiff's defamation claim;
 - (2) researching and drafting the Anti-SLAPP Motion and supporting documents;
 - (3) reviewing and responding to Plaintiff's opposition brief, including Plaintiff's improper evidentiary submission;
 - (4) reviewing and responding to Plaintiff's Ex Parte Application to Supplement the Record;
 - (5) preparing for and attending the hearing on the Anti-SLAPP Motion and Plaintiff's Ex Parte Application to Supplement the Record; and
 - (6) researching and drafting the Attorneys' Fees Motion and supporting documents.

Set forth below are the details of the work completed by the Gibson Dunn attorneys and other professionals, divided by category, through the filing of this Motion for Attorneys' Fees and Costs. This information is a true and accurate reflection of our timekeeping records of amounts incurred:

Date	Time	Amount	Timekeeper	Task(s)		
		Incurred				
		(Rate x Time)				
Reviewing	Reviewing and analyzing Plaintiff's Complaint and discussing initial strategy to defeat Plaintiff's defamation claim					
9/23/2019	0.2	\$183	Bach, Nathaniel L.	Call with S. Edelman re seeking extension of time to respond.		
9/23/2019	0.3	\$400.50	Edelman, Scott A.	Address service of process.		

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9/25/2019	1.4	\$875	Moshell, Marissa B.	Call with S. Edelman re response to Plaintiffs' counsel (.2); research for T. Boutrous (.2); draft response to Plaintiffs' counsel (1.0).
9/25/2019	0.5	\$457.50	Bach, Nathaniel L.	Telephone conference with client, T. Boutrous, S. Edelman, T. Evangelis re initial strategy.
9/25/2019	1.6	\$2,320	Boutrous Jr., Theodore J.	Analyzing issues, strategy, participate in strategy call with clients.
9/25/2019	0.3	\$400.50	Edelman, Scott A.	Review complaint, background.
9/25/2019	0.5	\$667.50	Edelman, Scott A.	Research in preparation for call with client.
9/25/2019	0.6	\$801	Edelman, Scott A.	Review correspondence from plaintiffs regarding Rule 26 meeting (.2); correspond with team regarding same (.2); telephone conference with M. Moshell regarding same (.1); update clients (.1).
9/25/2019	0.4	\$534	Edelman, Scott A.	Telephone conference with M. Moshell regarding extension of time to respond.
9/26/2019	0.6	\$162	Kurinsky, Erin E.	Research for M. Moshell.
9/26/2019	0.2	\$267	Edelman, Scott A.	Correspond with client.
9/26/2019	0.6	\$801	Edelman, Scott A.	Address time to respond to complaint with substituted service and email A. Siegel regarding extension.
9/27/2019	1.4	\$875	Moshell, Marissa B.	Draft stipulation and proposed order for extension of time to respond to Plaintiff's Complaint.

9/27/2019	0.6	\$801	Edelman, Scott A.	Correspond with plaintiff's counsel regarding
				extension.
9/30/2019	0.1	\$27	Jones, Carla H.	Legal research for N. Bach.
10/1/2019	0.8	\$500	Moshell,	Draft corporate disclosure
			Marissa B.	statement.
10/1/2019	0.6	\$549	Bach,	Emails with A. Jacobs re
			Nathaniel L.	joint motion to extend time
				to respond to complaint
				(.4); email to M. Moshell re
				corporate disclosure
				statement (.2).
10/2/2019	0.6	\$375	Moshell,	Finalize stipulation and rule
10/2/2017	0.0	Ψ373	Marissa B.	7.1 statement for filing and
			Waiissa D.	file same.
10/2/2019	0.7	\$640.50	Bach,	Emails with client re joint
10/2/2017	0.7	Ψ040.30	Nathaniel L.	stipulation to extend time to
			Nathaniel L.	-
				respond to complaint (.4);
				emails with A. Siegel re
10/07/2010	0.5	\$212.50	M = =1==11	meet and confer (.3).
10/07/2019	0.5	\$312.50	Moshell,	Begin preparing notices of
10/00/0010	0.5	Φ212.50	Marissa B.	appearance.
10/08/2019	0.5	\$312.50	Moshell,	Prepare and file notices of
			Marissa B.	appearance.
Researchi	ng and	drafting the Aı	nti-SLAPP Motion	and supporting documents
9/20/2019	0.4	\$366	Bach,	Emails with T. Boutrous re
			Nathaniel L.	anti-SLAPP timing.
9/24/2019	1	\$1,450	Boutrous Jr.,	Emails, calls with clients,
			Theodore J.	analyzing issues for anti-
				SLAPP motion.
9/24/2019	0.4	\$366	Bach,	Emails with T. Boutrous re
			Nathaniel L.	anti-SLAPP motion
				preparation.
9/25/2019	0.8	\$1,068	Edelman,	Prepare for and conference
			Scott A.	call with clients regarding
				anti-SLAPP strategy.
9/26/2019	2.6	\$1,625	Moshell,	Calls with N. Bach and T.
- , <u>- 0, - 0 - 2</u>		7-,020	Marissa B.	Boutrous re anti-SLAPP
			1.1411004 15.	motion (.2); research federal
				motion (.2), research rederal

	T			
				court procedural question
				(1.0); research for anti-
				SLAPP motion (1.4).
9/26/2019	2.6	\$2,379	Bach,	Calls with T. Boutrous, S.
			Nathaniel L.	Edelman, M. Moshell re
				anti-SLAPP brief (.2);
				research for and begin
				drafting anti-SLAPP motion
				to strike (2.4).
9/27/2019	4.1	\$3,751.50	Bach,	Research and draft outline
			Nathaniel L.	for anti-SLAPP motion
				(3.6); review materials
				relevant to anti-SLAPP
				briefing (.4).
9/28/2019	0.3	\$187.50	Moshell,	Research for anti-SLAPP
			Marissa B.	motion.
9/29/2019	0.7	\$437.50	Moshell,	Research for anti-SLAPP
			Marissa B.	motion.
10/1/2019	3	\$2,745	Bach,	Research re anti-SLAPP
			Nathaniel L.	motion to strike (2.2);
				prepare outline of same (.8).
10/6/2019	2.4	\$2,196	Bach,	Draft talking points for
			Nathaniel L.	meet and confer call (1.2);
				review opinion standards re
				First Amendment (1.2).
10/7/2019	4.3	\$2,687.50	Moshell,	Research for anti-SLAPP
			Marissa B.	motion (4.3).
10/7/2019	2	\$1,830	Bach,	Prepare for meet and confer
			Nathaniel L.	with Plaintiff's counsel (.3);
				meet and confer call with A.
				Siegel re Anti-SLAPP
				motion (.4); emails with M.
				Moshell re research for anti-
				SLAPP motion (.5); review
		01.00-		case law re same (.8).
10/7/2019	1	\$1,335	Edelman,	Prepare for and meet and
			Scott A.	confer with plaintiff re
				Anti-SLAPP.
10/8/2019	5.3	\$274.50	Bach,	Research opinion cases for
			Nathaniel L.	anti-SLAPP motion (3.0);

				draft anti-SLAPP motion
10/0/2010	2.2	ф1 427 FO	N / 1 11	(2.3).
10/8/2019	2.3	\$1,437.50	Moshell,	Continue research for anti-
10/0/2010	4.0	Φ4 402 5 0	Marissa B.	SLAPP motion (2.3).
10/9/2019	4.9	\$4,483.50	Bach,	Drafting anti-SLAPP
10/10/2010		*	Nathaniel L.	motion.
10/10/2019	5.6	\$5,124	Bach,	Working on anti-SLAPP
			Nathaniel L.	special motion to strike.
10/10/2019	1.5	\$2,175	Boutrous Jr.,	Reading key cases for anti-
			Theodore J.	SLAPP motion.
10/11/2019	2	\$2,900	Boutrous Jr.,	Working on anti-SLAPP
			Theodore J.	motion.
10/11/2019	8	\$7,320	Bach,	Drafting anti-SLAPP
			Nathaniel L.	motion to strike (5.8);
				researching issues re same
				(2.2).
10/12/2019	5	\$4,575	Bach,	Working on draft of anti-
			Nathaniel L.	SLAPP motion.
10/13/2019	6.6	\$6,039	Bach,	Emails with T. Boutrous re
			Nathaniel L.	comments to Anti-SLAPP
				motion (.8); further
				revisions to same (5.8).
10/13/2019	4	\$5,800	Boutrous Jr.,	Working on anti-SLAPP
			Theodore J.	motion.
10/14/2019	7.7	\$7,045.50	Bach,	Call with T. Boutrous, S.
			Nathaniel L.	Edelman, T. Evangelis re
				anti-SLAPP brief (.5);
				further calls with T.
				Boutrous re same (.3);
				further revisions to brief
				(6.9).
10/14/2019	1	\$1,335	Edelman,	Review anti-SLAPP brief
			Scott A.	(.5); team call re same (.5).
10/14/2019	6	\$8,700	Boutrous Jr.,	Working on anti-SLAPP
			Theodore J.	motion.
10/15/2019	2.2	\$1,375	Rubin, Daniel	Revise anti-SLAPP motion.
			M.	
10/15/2019	4.9	\$4,483.50	Bach,	Implementing further edits,
			Nathaniel L.	revisions to anti-SLAPP
				draft (3.5); emails and calls

				with T. Boutrous, S. Edelman, T. Evangelis re same (.5); emails with D. Rubin re supporting motion documents (.4); emails with T. Boutrous re upcoming client meeting (.5).
10/15/2019	1	\$625	Rubin, Daniel M.	Draft and revise notice of anti-SLAPP motion, request for judicial notice, and proposed order.
10/15/2019	4.5	\$6,525	Boutrous Jr., Theodore J.	Revising, editing anti- SLAPP motion.
10/15/2019	2.9	\$3,871.50	Edelman, Scott A.	Review draft anti-SLAPP Motion, edit same.
10/16/2019		\$6,771	Bach, Nathaniel L.	Review client comments on draft anti-SLAPP motion (.6); prepare for client meeting (.5); telephonic conference with S. Weiner, T. Hoff, A. Jacobs, T. Boutrous, S. Edelman re same (.6); further revisions to anti-SLAPP motion (5.7).
10/16/2019	2.4	\$1,500	Rubin, Daniel M.	Draft and revise materials in support of anti-SLAPP motion.
10/16/2019	0.7	\$934.50	Edelman, Scott A.	Telephone conference with clients regarding anti-SLAPP motion.
10/16/2019	3	\$4,350	Boutrous Jr., Theodore J.	Review client comments on anti-SLAPP motion, meet with clients, work on motion.
10/17/2019	4.7	\$4,300.50	Bach, Nathaniel L.	Further revisions to anti- SLAPP motion (3.0); emails with T. Boutrous, client re same (.5); review and revise supporting motion documents (RJN, proposed order, notice of motion,

		T		notice of 1-d-in-Viviania
				notice of lodging) and send same to client (1.2).
10/17/2019	0.2	\$125	Rubin, Daniel M.	Revise materials in support of anti-SLAPP motion.
10/17/2019	2.9	\$4,205	Boutrous Jr., Theodore J.	Start-to-finish editing, revising of anti-SLAPP motion.
10/18/2019	0.9	\$823.50	Bach, Nathaniel L.	Call with A. Jacobs re anti- SLAPP brief (.1); review further edits to same (.5); emails with D. Rubin re upcoming filing and lodging (.3).
10/18/2019	5.1	\$3,187.50	Rubin, Daniel M.	Revise anti-SLAPP motion to strike Plaintiff's complaint.
10/18/2019	0.6	\$375	Rubin, Daniel M.	Confer with N. Bach re filing of anti-SLAPP motion.
10/18/2019	1	\$1,450	Boutrous Jr., Theodore J.	Review clients' latest changes, review, revise anti-SLAPP brief.
10/20/2019	2.1	\$1,921.50	Bach, Nathaniel L.	Further revisions to anti- SLAPP motion, including cite check edits (2.0); email to client re putative final draft (.1).
10/21/2019	4.2	\$2,625	Rubin, Daniel M.	Final proof and cite check of anti-SLAPP motion to strike complaint and supporting materials.
10/21/2019	3.6	\$3,294	Bach, Nathaniel L.	Final review of anti-SLAPP motion, memorandum, request for judicial notice, notice of lodging, proposed order (2.7); emails with client re same (.4); emails and calls with D. Rubin re filing (.5).
10/21/2019	0.9	\$562.50	Rubin, Daniel M.	Confer with N. Bach re anti-SLAPP motion to

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1 2					strike and supporting documents.
	10/21/2019	1	\$1,450	Boutrous Jr.,	Final revisions to anti-
3				Theodore J.	SLAPP motion papers
4					before filing.
5	Reviewing	g and res	_	ntiff's oppositior videntiary submi	brief, including Plaintiff's
6	12/2/2019	4.7	\$2,937.50	Moshell,	Call with N. Bach re reply
7	12/2/2017	7.7	Ψ2,737.30	Marissa B.	brief (.1); research for reply
				Widiissa B.	brief (.1); review and
8					analyze moving and
9					opposition papers on anti-
10					SLAPP motion (2.4); begin
					drafting reply in support of
11					anti-SLAPP motion (2.1).
12	12/2/2019	2.5	\$2,287.50	Bach,	Review opposition to
13				Nathaniel L.	motion to strike and
					supporting documents (.8); meet with M. Moshell re
14					drafting reply brief (.2);
15					emails with GDC team re
16					reply brief (.3); draft talking
					points for reply brief (1.2).
17	12/3/2019	1.2	\$1,098	Bach,	Call with A. Jacobs, M.
18				Nathaniel L.	Moshell re reply brief (.5);
19					meeting with M. Moshell re
					same (.2); reading Plaintiff's
20	12/3/2019	12.1	\$7.562.50	Moshall	cases (.5). Call with client and N. Bach
21	12/3/2019	12.1	\$7,562.50	Moshell, Marissa B.	re reply brief (.5); meeting
22				mansa D.	with N. Bach re reply brief
					(.2); draft reply brief (11.4).
23	12/3/2019	2.2	\$1,012	Gadberry,	Review opposition brief and
24				Lolita C.	download cases and statutes
					cited in same (1.5);
25					organize cases and statutes
26					and forward zip file of same
27					to M. Moshell (.7).

	12/4/2019	3.5	\$2,187.50	Moshell, Marissa B.	Continue drafting reply brief (3.2); correspond with N. Bach re reply brief (.3).
	12/4/2019	8.6	\$7,869	Bach, Nathaniel L.	Working on draft of reply in support of motion to strike.
	12/5/2019	1	\$460	Gadberry, Lolita C.	Assist N. Bach with organization and printing of case files for T. Boutrous.
	12/5/2019	5.5	\$5,032.50	Bach, Nathaniel L.	Revising reply in support of anti-SLAPP motion.
	12/5/2019	1	\$1,450	Boutrous Jr., Theodore J.	Work on anti-SLAPP reply.
	12/6/2019	1.7	\$1,555.50	Bach, Nathaniel L.	Revisions to reply brief in support of motion to strike.
,	12/6/2019	0.4	\$250	Moshell, Marissa B.	Research availability of stay of discovery pending appeal of an anti-SLAPP order.
	12/7/2019	0.7	\$437.50	Moshell, Marissa B.	Research stays of discovery on appeal from an anti-SLAPP order.
	12/7/2019	0.8	\$732	Bach, Nathaniel L.	Draft email memorandum to T. Boutrous re discovery stay on appeal from an anti-SLAPP order.
	12/7/2019	3.5	\$3,202.50	Bach, Nathaniel L.	Revising reply brief in support of motion to dismiss.
)	12/7/2019	1.2	\$1,740	Boutrous Jr., Theodore J.	Work on anti-SLAPP reply.
,	12/8/2019	1.5	\$1,372.50	Bach, Nathaniel L.	Further revisions to reply in support of anti-SLAPP motion (1.0); emails with T. Boutrous, S. Weiner re discovery stay (.5).
	12/9/2019	2.8	\$1,750	Moshell, Marissa B.	Revise and cite check reply in support of anti-SLAPP motion (2.5); file reply in support of anti-SLAPP motion (.3).

1	12/9/2019	3.5	\$3,202.50	Bach,	Final revisions to reply in
2				Nathaniel L.	support of motion to strike
					(2.0); emails with C.
3					O'Hagan, S. Weiner, M.
4					Moshell re same (.5); final
5					proofs of motion before
	12/0/2010	0.5	\$705	Doutenana In	filing (1.0). Final review of anti-SLAPP
6	12/9/2019	0.5	\$725	Boutrous Jr., Theodore J.	reply.
7				Theodore J.	тергу.
8	Reviewing a	and resp	onding to Plainti	ff's <i>Ex Parte</i> Ap	plication to Supplement the
				Record	
9	12/10/2019	0.9	\$823.50	Bach,	Emails with A. Siegel,
10				Nathaniel L.	client team re ex parte
11					application to supplement
					record (.6); call with A. Siegel re same (.2); call
12					with S. Edelman re same
13					(.1).
14	12/10/2019	0.2	\$267	Edelman,	Telephone conference with
				Scott A.	N. Bach regarding ex parte
15					application.
16	12/11/2019	0.5	\$312.50	Moshell,	Research for Opposition to
17	10/11/2010	2	ф1 020	Marissa B.	ex parte application.
	12/11/2019	2	\$1,830	Bach, Nathaniel L.	Draft opposition to ex parte application to supplement
18				Namamer L.	evidentiary record (1.5);
19					emails with S. Weiner, M.
20					Moshell re same (.5).
	12/12/2019	0.3	\$435	Boutrous Jr.,	Review, comment on
21				Theodore J.	opposition to ex parte.
22	12/12/2019	4.6	\$4,209	Bach,	Further revisions to
23				Nathaniel L.	opposition to ex parte
					application to supplement
24					(4.2); emails and call with
25	12/13/2019	1.2	\$1,098	Bach,	T. Boutrous re same (.4). Final revision to and proof
26	12/13/2019	1.4	Ψ1,070	Nathaniel L.	of opposition to ex parte
				i tadiamoi L.	application.
27		<u> </u>	1	<u>I</u>	T.T

3/9/2020	0.2	\$192	Bach, Nathaniel L.	Emails to M. Moshell re
3/12/2020	5.5	\$4,070	Moshell, Marissa B.	hearing preparation. Prepare one-pagers for ora argument on anti-SLAPP motion.
3/16/2020	0.7	\$518	Moshell, Marissa B.	Review and revise oral argument preparation materials.
4/27/2020	0.8	\$768	Bach, Nathaniel L.	Review Bashant orders re tentative rulings in other cases.
4/27/2020	0.3	\$418.50	Edelman, Scott A.	Correspond with client an N. Bach regarding upcoming hearing.
5/4/2020	1	\$1,525	Boutrous Jr., Theodore J.	Begin hearing preparation
5/7/2020	2.1	\$1,554	Moshell, Marissa B.	Compile materials for T. Boutrous for hearing preparation.
5/12/2020	6.9	\$5,106	Moshell, Marissa B.	Review and analyze key cases and draft case summaries.
5/12/2020	0.3	\$288	Bach, Nathaniel L.	Reviewing outlines for hearing on anti-SLAPP motion.
5/12/2020	1.7	\$1,632	Bach, Nathaniel L.	Revising outline of talking points for anti-SLAPP hearing.
5/12/2020	2.5	\$3,812.50	Boutrous Jr., Theodore J.	Preparing for hearing on anti-SLAPP motion hearing, including studying briefs, cases
5/13/2020	2.3	\$2,208	Bach, Nathaniel L.	Draft mooting questions f anti-SLAPP hearing.
5/13/2020	1.9	\$1,406	Moshell, Marissa B.	Draft questions and answer
5/13/2020	2.5	\$3,812.50	Boutrous Jr., Theodore J.	Hearing preparation.

5/14/2020	2.9	\$2,146	Moshell, Marissa B.	Meeting with team and client re hearing (.8); research and correspond with team re hearing on anti-SLAPP motion (2.1).
5/14/2020	0.9	\$864	Bach, Nathaniel L.	Pre-hearing call with client, T. Boutrous, S. Edelman, M. Moshell.
5/14/2020	1	\$1,395	Edelman, Scott A.	Review anti-SLAPP materials in preparation for moot session with client.
5/14/2020	0.9	\$1,255.50	Edelman, Scott A.	Moot session with client.
5/14/2020	3.9	\$5,947.50	Boutrous Jr., Theodore J.	Preparing for moot court, strategy session, participate in same, continue to prepare for hearing on SLAPP motion.
5/15/2020	0.6	\$444	Moshell, Marissa B.	Research for hearing on anti-SLAPP motion.
5/16/2020	2	\$3,050	Boutrous Jr., Theodore J.	Prepare for anti-SLAPP hearing.
5/16/2020	0.3	\$222	Moshell, Marissa B.	Research court reporting and hearing transcription for anti-SLAPP hearing.
5/17/2020	3	\$4,575	Boutrous Jr., Theodore J.	Preparing for hearing on anti-SLAPP motion.
5/17/2020	0.3	\$222	Moshell, Marissa B.	Correspond with T. Boutrous re materials for hearing preparation (.1); correspond with N. Bach and court reporter re hearing transcript (.2).
5/18/2020	2.2	\$2,112	Bach, Nathaniel L.	Draft one-sheets and hearing arguments.
5/18/2020	1.3	\$962	Moshell, Marissa B.	Draft one-pager for oral argument (1); correspond with team re hearing preparation (.3).

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5/18/2020	4.5	\$6,862.50	Boutrous Jr., Theodore J.	Continue to prepare for hearing on Anti-SLAPP motion.
5/19/2020	1.5	\$1,440	Bach, Nathaniel L.	Prepare for hearing on anti- SLAPP motion (.7); telephonic hearing re same (.6); post-hearing debrief with client (.3).
5/19/2020	1	\$740	Moshell, Marissa B.	Attend telephonic hearing on anti-SLAPP motion (.6); call with team re hearing (.1); correspond with court reporter re hearing transcript (.3).
5/19/2020	1.5	\$2,092.50	Edelman, Scott A.	Attend anti-SLAPP hearing.
5/19/2020	4.3	\$6,557.50	Boutrous Jr., Theodore J.	Final preparations for hearing on anti-SLAPP motion, argue motion, call with clients re same, review transcript.
Resea	rching	and drafting the	e Attorneys' Fees documents	Motion and supporting
5/22/2020	2.2	\$1,628	Moshell, Marissa B.	Research filing deadline for motion for attorney's fees (1); review order granting anti-SLAPP motion and draft summary (1.2).
5/22/2020	0.5	\$480	Bach, Nathaniel L.	Review order granting anti- SLAPP motion.
5/22/2020	0.6	\$915	Boutrous Jr., Theodore J.	Analyzing anti-SLAPP ruling.
5/25/2020	0.6	\$444	Moshell, Marissa B.	Conduct research for motion for attorneys' fees.
5/26/2020	5.1	\$3,774	Moshell, Marissa B.	Research for attorney fees motion and bill of costs (4); begin drafting attorney fees motion (1.1).
5/27/2020	10.1	\$7,474	Moshell, Marissa B.	Continue drafting and researching for motion for

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				attorneys' fees (9.9); call with N. Bach re motion for attorneys' fees and costs (.2).
5/27/2020	1.2	\$1,152	Bach, Nathaniel L.	Call with M. Moshell re drafting fee motion (.3); emails with M. Moshell, S. Edelman re same (.3); reviewing fee summary for motion (.6).
5/27/2020	1.5	\$720	Gadberry, Lolita C.	Review and analyze accounting department billing records received from M. Moshell.
5/27/2020	0.3	\$418.50	Edelman, Scott A.	Emails regarding fee application.
5/28/2020	8.2	\$6,068	Moshell, Marissa B.	Continue drafting fees motion.
5/28/2020	0.5	\$480	Bach, Nathaniel L.	Meet and confer with A. Siegel re motion for fees (.3); email to clients re same (.2).
5/28/2020	4.5	\$2,160	Gadberry, Lolita C.	Review billing records and prepare charts of billed time pursuant to the request of M. Moshell.
5/28/2020	0.4	\$558	Edelman, Scott A.	Edit fees motion; emails with M. Moshell regarding research for fees motion.
5/28/2020	1.4	\$672	Amponsah, Duke K.	Research for fees motion and confer with M. Moshell and R. Klyman re same.
5/29/2020	7.4	\$5,476	Moshell, Marissa B.	Draft declaration for S. Edelman in support of attorneys' fees motion.
5/29/2020	5.5	\$2,640	Gadberry, Lolita C.	Review and analyze chart regarding billed time and edit and revise same (5.00); email exchange with M. Moshell regarding

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				preparation and review of
5/29/2020	0.5	\$697.50	Edelman,	motion for fees (.50). Work on fee application and
			Scott A.	emails with M. Moshell regarding same.
5/31/2020	1.5	\$1,440	Bach, Nathaniel L.	Revising memorandum in support of fee motion.
6/1/2020	2.3	\$1,702	Moshell, Marissa B.	Review and revise motion for attorneys' fees and supporting declaration (1.8); correspond with team re motion for attorneys' fees (.5).
6/1/2020	0.4	\$384	Bach, Nathaniel L.	Emails with S. Edelman, M. Moshell re motion for fees.
6/1/2020	1.0	\$1,395	Edelman, Scott A.	Edit motion for attorneys' fees, declaration in support.
6/2/2020	3.2	\$2,368	Moshell, Marissa B.	Research for and revise motion for attorneys' fees.
6/2/2020	3.5	\$2,590	Moshell, Marissa B.	Call with S. Edelman and N. Bach re motion for attorneys' fees (.4); continue revising motion for attorneys' fees and supporting declaration (3.1).
6/2/2020	1.0	\$1,395	Edelman, Scott A.	Work on motion for attorneys' fees and telephone conference with N. Bach and M. Moshell regarding same.
6/3/2020	3.5	\$2,590	Moshell, Marissa B.	Revise motion for attorneys' fees and supporting declaration (2.5); compile exhibits for attorneys' fees motion (1).
6/3/2020	0.5	\$697.50	Edelman, Scott A.	Revise motion for attorneys' fees.
6/4/2020	4.0	\$2,960	Moshell, Marissa B.	Research for and revise motion for attorneys' fees and supporting declaration (3.8); call with S. Edelman

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				re attorneys' fees motion (.2).	
	Total Hours and Fees				
TOTAL	355.5	\$323,965			

24. Set forth below are the details of the hours expended by the Gibson Dunn attorneys and other professionals, divided by timekeeper, through the filing of this Motion for Attorneys' Fees and Costs. This information is a true and accurate reflection of our records:

Timekeeper	Hours Worked
Theodore J. Boutrous, Jr.	
(Partner)	55.8
Scott A. Edelman	
(Partner)	17.5
Nathaniel L. Bach	
(Senior Associate)	135.1
Marissa B. Moshell	
(Mid-Level Associate)	113.7
Daniel M. Rubin	
(Mid-Level Associate)	16.6
Lolita C. Gadberry	
(Paralegal)	14.7
Duke Amponsah	
(Paralegal)	1.4
Erin E. Kurinsky	
(Researcher)	.6
Carla H. Jones	
(Researcher)	.1
TOTAL	
	355.5

25. In sum, through the filing of this Motion for Attorneys' Fees and Costs, attorneys and other professionals collectively spent 355.5 hours working on this matter, which resulted in \$323,965 in attorneys' fees. Gibson Dunn is also seeking any

additional fees incurred in connection with preparing a Reply and attending a hearing on this Motion.

Gibson Dunn's Costs

- 26. In addition to the fees for Gibson Dunn attorneys and other professionals, Defendants incurred certain costs in connection with their Motion to Strike. I have reviewed Gibson Dunn's record of costs for this case, and I am familiar with such records and the processes by which the firm creates and maintains them. In the regular course of business, Gibson Dunn maintains records of costs incurred in connection with a particular client and matter.
- 27. The costs incurred by Gibson Dunn in connection with this matter can be categorized as follows:
 - Courier costs;
 - Document retrieval service costs;
 - · Process server costs;
 - Photocopying costs;
 - · Research costs; and
 - Transcript costs.

Set forth below are the details of the costs incurred by Defendants, divided by category, through the filing of this Motion for Attorneys' Fees and Costs. This information is a true and accurate reflection of our records:

Date	Cost	Description	
Courier Costs			
10/21/2019	\$11.90	UPS Delivery of DVD to Amnon Z.	
		Siegel at Miller Barondess LLP	
5/8/2020	\$48.99	Delivery of hearing preparation materials	
		to Theodore J. Boutrous, Jr.	
Document Retrieval Service Costs			
9/26/2019	\$109.72	Dun & Bradstreet Document Retrieval	
		Research Costs	

1	10/21/2019	\$12.30	PACER charges for October 2019
2	12/9/2019	\$1.50	PACER charges for December 2019
3	2/2/2020	\$25.00	Docket tracking charges through December 2019
4	2/28/2020	\$2.50	Docket tracking charges through January 2020
5	4/1/2020	\$15.00	Docket tracking charges through February 2020
7	4/30/2020	\$10.00	Docket tracking charges through March 2020
8	5/31/2020	\$5.00	Docket tracking charges through April 2020
9 10		Proc	cess Server Costs
11 12	10/21/2019	\$44.12	First Legal Network, LLC delivery of Notice of Lodging and DVD to Judge Bashant
13	10/21/2019	\$31.35	First Legal Network, LLC delivery of DVD to Gibson Dunn
14		Pho	otocopying Costs
15 16	10/15/2019	\$73.80	Printing and photocopying in connection with anti-SLAPP motion
17	10/16/2019	\$6.20	Printing and photocopying in connection with anti-SLAPP motion
18	10/23/2019	\$24.80	Printing and photocopying in connection with anti-SLAPP motion
1920	12/5/2019	\$16.90	Printing and photocopying in connection with reply brief
21	3/4/2020	\$4.50	Printing and photocopying in connection with oral argument preparation
22	5/7/2020	\$60.30	Printing and photocopying in connection with oral argument preparation
2324	5/9/2020	\$10.35	Printing and photocopying in connection with oral argument preparation
25	5/13/2020	\$13.10	Printing and photocopying in connection with oral argument preparation
26	5/18/2020	\$7.50	Printing and photocopying in connection with oral argument preparation
2728		R	desearch Costs

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9/26/2019	\$768.00	Westlaw research costs
9/28/2019	\$120.00	Westlaw research costs
9/29/2019	\$120.00	Westlaw research costs
9/30/2019	\$121.50	Bloomberg Law research costs
10/7/2019	\$1,123.20	Westlaw research costs
10/8/2019	\$120.00	Westlaw research costs
10/10/2019	\$408.00	Westlaw research costs
10/13/2019	\$201.60	Westlaw research costs
10/14/2019	\$1.60	HeinOnline research costs
10/14/2019	\$120.00	Westlaw research costs
10/15/2019	\$120.00	Westlaw research costs
10/16/2019	\$1,012.80	Westlaw research costs
10/17/2019	\$360.00	Westlaw research costs
10/18/2019	\$240.00	Westlaw research costs
10/20/2019	\$360.00	Westlaw research costs
12/4/2019	\$480.00	Westlaw research costs
12/7/2019	\$360.00	Westlaw research costs
12/11/2019	\$120.00	Westlaw research costs
5/7/2020	\$240.00	Westlaw research costs
5/14/2020	\$120.00	Westlaw research costs
5/15/2020	\$240.00	Westlaw research costs
5/22/2020	\$240.00	Westlaw research costs
5/26/2020	\$514.40	Westlaw research costs
5/27/2020	\$931.20	Westlaw research costs
5/28/2020	\$562.40	Westlaw research costs
	Т	and and the Court
5/19/2020		nscript Costs Transcript order for hearing on anti-
3/19/2020	\$166.75	
		SLAPP motion and Plaintiff's ex parte application to supplement the record
		application to supplement the record
	Т	Cotal Costs
TOTAL	\$9,706.28	
L		· · · · · · · · · · · · · · · · · · ·

28. In sum, through the filing of this Motion for Attorneys' Fees and Costs, Gibson Dunn incurred \$9,706.28 in costs. Gibson Dunn is also seeking any additional costs incurred in connection with preparing a Reply and attending a hearing on this Motion.

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I declare under penalty of perjury under the laws of the State of California 29. that the foregoing is true and correct, and that this declaration was executed in Los Angeles, California on June 5, 2020.

EXHIBIT 7

1 2 3 4 5 6 7 8	MANATT, PHELPS & PHILLIPS, LLP CHRISTOPHER CHATHAM (CA Bar #2 CChatham@manatt.com NATHANIEL L. BACH (CA Bar #246518 NBach@manatt.com SARAH E. MOSES (CA Bar #291491) SMoses@manatt.com ANDREA D. GONZALEZ (CA Bar #336 ADGonzalez@manatt.com 2049 Century Park East, Suite 1700 Los Angeles, California 90067 Telephone: (310) 312-4000 Facsimile: (310) 312-4224	8)	
9	Attorneys for Defendants MEGAN ROUP and THE SCULPT SOCIETY, LLC		
10	UNITED STATES I	DISTRICT COURT	
11	CENTRAL DISTRIC	T OF CALIFORNIA	
12			
13	TRACY ANDERSON MIND AND	No. 2:22-cv-04735-I	PSG-E
14	BODY, LLC, a Delaware limited liability company; and T.A. STUDIO NEW YORK LLC, a California limited	Hon. Philip S. Gutier	rrez
15	NEW YORK LLC, a California limited liability company,	DECLARATION O	
16	Plaintiffs,	NATHANIEL L. B. SUPPORT OF DEI MEGAN ROUP AN	FENDANTS
17	v.	SCULPT SOCIETY	Y, LLC'S
18 19	MEGAN ROUP, an individual; and THE SCULPT SOCIETY, LLC, a California limited liability company,	NOTICE OF MOT MOTION FOR AT FEES AND COSTS § 425.16(C))	TORNEYS'
			G 15, 2022
20 21	Defendants.	Hearing Date: Hearing Time: Courtroom:	Sept. 15, 2023 1:30 p.m. 6A
22		Complaint Filed:	July 11, 2022
23		FAC Filed: Trial Date:	Sept. 13, 2022 Not yet set
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ELPS &			

- 1. I am an attorney at law licensed to practice in the State of California. I am a partner with the law firm of Manatt, Phelps & Phillips, LLP ("Manatt") and counsel of record for Defendants Megan Roup ("Roup") and The Sculpt Society, LLC ("The Sculpt Society") (together, "Defendants") in the above-entitled action. I am one of the supervising partners in charge of the work performed on this case by the attorneys and other professionals at Manatt.
- 2. I submit this declaration in support of Defendants' Motion for Attorneys' Fees and Costs pursuant to California Code of Civil Procedure section 425.16(c)(1) ("Motion"). I have personal knowledge of the following facts and could competently testify about them.
- 3. Defendants' Motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on June 20, 2023, and included subsequent correspondence among counsel as well as two stipulations and orders to extend the time for Defendants to file the Motion.

Manatt's Defense of the Case and Anti-SLAPP Motion

- 4. On July 11, 2022, Plaintiffs filed their original Complaint. After Manatt was retained and analyzed the claims, on August 3, 2022, I sent a letter to counsel for Plaintiffs informing them of the fundamental deficiencies in the Complaint and urged Defendants to dismiss their improvidently filed claims. In that letter, I informed Plaintiffs that their Unfair Competition Law claim ("UCL") under California law "is predicated upon speech on matters of public interest; i.e., biographical information about a popular, celebrity fitness trainer [and therefore] gives rise to an anti-SLAPP motion to strike, for which attorneys' fees are mandatory to a prevailing defendant. Cal. Code Civ. Proc. § 425.16(c)(1)."
- 5. Plaintiffs refused to dismiss their claims and, on September 9, 2022, the parties met and conferred about Defendants' intended motion to dismiss the claims in the original Complaint and anti-SLAPP motion to strike the UCL claim.

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At that meet and confer, Plaintiffs stated that they intended to amend their complaint and, on September 13, 2022, Plaintiffs filed their First Amended Complaint ("FAC"). 6.

- On September 27, 2022, Defendants moved to dismiss Plaintiffs' FAC, and all causes of action therein, under Federal Rule of Civil Procedure 12(b)(6) and strike Plaintiffs' UCL claim under California's anti-SLAPP statute. Given that both the Lanham Act and UCL claims were grounded in Roup's same biographical speech and were therefore inextricably intertwined. Defendants largely sought both claims' dismissal on the same or similar bases. The arguments for dismissal of the Lanham Act and UCL claims formed the basis for Defendants' arguments under the second prong of the anti-SLAPP analysis that Plaintiffs could not establish a probability of prevailing on the UCL claim.
- 7. On December 12, 2022, the Court dismissed Plaintiffs' Lanham Act and UCL claims with leave to amend, declined to dismiss Plaintiffs' copyright and breach of contract claims, and deferred a ruling on Defendants' anti-SLAPP motion pending Plaintiffs' amendment of the FAC.
- 8. Plaintiffs thereafter elected not to amend their dismissed claims. As such, on January 18, 2023, Defendants requested that the Court dismiss Plaintiffs' Lanham Act and UCL claims with prejudice and grant Defendants' Anti-SLAPP Motion. Notwithstanding the straightforward nature of Defendants' request, Plaintiffs opposed it, including arguing that the Court had no authority to grant the anti-SLAPP motion. Plaintiffs' opposition arguments necessitated additional research and briefing in connection with Defendants' reply, filed on February 14, 2023.
- 9. On June 12, 2023, this Court granted Defendants' request and dismissed with prejudice Plaintiffs' Lanham Act and UCL claims under Federal Rule of Civil Procedure 41(b) and struck Plaintiffs' UCL claim under the anti-SLAPP statute.

Manatt's Team and Reasonableness of Manatt's Fees

- Manatt's team representing Defendants in this action includes 10. attorneys experienced in intellectual property litigation, including copyright infringement claims, Lanham Act claims, unfair competition claims, and anti-SLAPP practice, and includes the following individuals:
 - Myself, Nathaniel Bach, a partner in Manatt's Entertainment Litigation group. A true and correct copy of my biography, showing my credentials and experience is attached hereto as **Exhibit A**.
 - Christopher Chatham, a partner in Manatt's Entertainment group, representing clients in both litigation and transactional matters. A true and correct copy of Mr. Chatham's biography, showing his credentials and experience is attached hereto as **Exhibit B**.
 - Sarah Moses, a partner in Manatt's Entertainment Litigation group. A true and correct copy of Ms. Moses' biography, showing her credentials and experience is attached hereto as **Exhibit C**.
 - Andrea D. Gonzalez, an associate in Manatt's Entertainment Litigation group. A true and correct copy of Ms. Gonzalez's biography, showing her credentials and experience is attached hereto as **Exhibit D**.
 - Alejandro Castro, a former litigation associate at Manatt. A true and correct copy of Mr. Castro's biography, showing his credentials and experience is attached hereto as Exhibit E.
 - Barbara Gasik, a practice support supervisor at Manatt, with over 20 years of experience assisting legal professionals, including in connection with filings in federal court.
- I believe the work performed by all of the aforementioned attorneys 11. and professionals was reasonably necessary for the litigation of Defendants' successful Anti-SLAPP Motion and related arguments. And, based on my experience, I believe that Manatt staffed and litigated the matters relating to the

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Anti-SLAPP Motion in an efficient and appropriate manner. As examples of this efficiency, because of our relevant expertise, either Ms. Moses or I would draft certain portions of the briefing in the first instance, rather than having more junior associates perform work that might need to be more heavily edited, thereby streamlining the process and eliminating levels of review. As another example, Defendants would frequently have legal secretaries and assistants who do not bill for their time perform case-related and administrative work that might have otherwise been performed by a billing paralegal. Each of these team structures helped add to work efficiency in connection with the matters at issue.

12. Manatt was retained with an arrangement providing for a 15% discount on standard hourly rates with the agreement that, should Defendants bring and prevail on a motion for attorneys' fees, Defendants would seek Manatt's standard rates, with Manatt retaining any difference between fees paid and those actually incurred by counsel.

13. In 2022, Manatt's team's standard hourly rates were as follows:

Timekeeper	Standard 2022 Rate/Hour
Nathaniel L. Bach (Partner)	\$950.00
Christopher Chatham (Partner)	\$900.00
Sarah E. Moses (Counsel)	\$855.00
Alejandro Castro (Associate)	\$760.00
Andrea D. Gonzalez (Associate)	\$620.00
Barbara Gasik (Practice Support Specialist)	\$395.00

14. In 2023, Manatt's team's standard hourly rates are as follows:

Timekeeper	Standard 2023 Rate/Hour
Nathaniel L. Bach (Partner)	\$1,065.00
Christopher Chatham (Partner)	\$1,010.00

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Sarah E. Moses (Partner)	\$1,000.00
Andrea D. Gonzalez (Associate)	\$655.00
Barbara Gasik (Practice Support Specialist)	\$455.00

15. Manatt is a national law firm with about 450 professionals in offices in Los Angeles, Orange County, San Francisco, Silicon Valley, Sacramento, Boston, Chicago, Albany, New York, and Washington, D.C.

Based on survey data, and my reading of the relevant case law, the 16. rates charged by Manatt in this matter are comparable to rates charged by other large and established law firms of similar training, experience and expertise in Los Angeles for litigation attorneys. Attached hereto as **Exhibit F** and **Exhibit G** are true and correct copies of 2022 and 2023 data extracted from Peer Monitor, a Thomson Reuters tool that collects billing rate information from participating firms and provides a summary in a "de-identified" manner for legal benchmarking purposes. This data compares Manatt's standard rates for its litigation attorneys in Los Angeles—shown under the column named "My Firm"—to the standard rates for litigation attorneys in Los Angeles reported by 19 comparable firms, whose collective data is shown under the column named "Peer Group." The firms in question are Arnold & Porter Kaye Scholer LLP, Baker & Hostetler LLP, Cooley LLP, Crowell & Moring LLP, Dechert LLP, Fenwick & West LLP, Haynes and Boone LLP, Kelley Drye & Warren LLP, King & Spalding LLP, Mayer Brown LLP, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Morrison & Foerster LLP, Munger Tolles & Olson LLP, Orrick, Herrington & Sutcliffe LLP, Perkins Coie LLP, Pillsbury Winthrop Shaw Pittman LLP, Sheppard Mullin Richter & Hampton LLP, Steptoe & Johnson LLP, and Venable LLP.

17. Below is an extract from the Peer Monitor data, all of which pertains to Litigation hourly rates in 2022 by the identified firms in Los Angeles:

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	Manatt	Peer Group Median	Peer Group 25 th Percentile	Peer Group 75 th Percentile
All Lawyers	\$919	\$904	\$806	\$1,104
All Partners	\$1,027	\$1,143	\$944	\$1,208
All Associates	\$722	\$794	\$692	\$819

18. Below is an extract from the Peer Monitor data, all of which pertains to Litigation hourly rates in 2023 by the identified firms in Los Angeles:

	Manatt	Peer Group	Peer Group	Peer Group
		Median	25th Percentile	75th Percentile
All Lawyers	\$966	\$971	\$910	\$1,044
All Partners	\$1,144	\$1,253	\$1,033	\$1,343
All Associates	\$742	\$862	\$764	\$925

- 19. Manatt's hourly rates are also appropriate in light of the high degree of sophistication, experience, and quality that Manatt attorneys bring to their work (as demonstrated by the success to date in the present litigation).
- 20. I reviewed Manatt's timekeeping records for this case in connection with monthly invoicing, including ensure that the tasks and projects and time recorded therefore are appropriate in my judgment. Each of the Manatt professionals working on this matter followed Manatt's time-keeping policies and procedures. In the regular course of business, Manatt's timekeepers keep detailed, contemporaneous time records. Timekeepers typically log their time to the nearest tenth of an hour. On a regular basis, these time records are collected and submitted to Manatt's computerized record-keeping system. This record-keeping system enables Manatt to track all fees incurred on behalf of its clients and further allows Manatt to generate summaries of the work performed and the fees incurred on a particular matter.
- 21. Defendants seek those fees associated with bringing their Anti-SLAPP Motion (including reviewing opposition thereto and reply), those portions of their Motion to Dismiss upon which the Anti-SLAPP arguments necessarily rely, the Request for Ruling brought after Plaintiffs did not amend their claims, and this

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Motion (including reviewing opposition thereto and reply). These categories

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SLAPP analysis. In other words, the anti-SLAPP analysis necessarily relied on the legal analyses of the Lanham Act and UCL claims contained in the motion to dismiss. *See* Dkt. 15-1, at p. 22 ("because Plaintiffs' Lanham Act claim fails, so too does their UCL claim based on the same conduct").

23. As one of the supervising partners on this case, I am primarily responsible for the day-to-day management of this case. Given my IP litigation and anti-SLAPP expertise, my more specific responsibilities included (among other things) strategizing on arguments to raise in the anti-SLAPP and dismissal motion, drafting revisions and supplemental portions of the memoranda of points and authorities in support of the motion and the reply, drafting the request for ruling filed after Plaintiffs did not amend their claims, conferring with opposing counsel regarding anti-SLAPP and dismissal motion and communicating with the client. Christopher Chatham's work included revisions, drafting, and client advice in connection with the anti-SLAPP motion and related motion to dismiss arguments, as well as with how to address Plaintiffs' failure to amend their FAC and Defendants' response thereto. Sarah Moses was responsible for analyzing issues in connection with the anti-SLAPP motion and related portions of the motion to dismiss, drafting the initial versions of the anti-SLAPP motion and reply papers and participating in revisions and analyzing Plaintiffs' anti-SLAPP opposition. Andrea Gonzalez and Alejandro Castro were responsible for (among other things) research to support the anti-SLAPP motion and related portions of the motion to dismiss; drafting portions of the briefs; cite-checking and finalizing the various documents filed by Defendants. Ms. Gonzalez joined the Manatt team in October 2022, upon joining the firm, whereas Mr. Castro worked on the case prior to that time. Barbara Gasik was responsible for helping to finalize and electronically file the anti-SLAPP-related submissions.

24. Moreover, the research and briefing on issues relating to the anti-SLAPP motion and the inextricably intertwined arguments in the motion to dismiss

were prolonged and made more labor-intensive by Plaintiffs in multiple ways. First, Plaintiffs' original Complaint asserted a false designation of origin claim under the Lanham Act, which Defendants thoroughly researched and drafted briefing to challenge (and upon which the anti-SLAPP arguments would equally rely). However, after the parties exchanged early letter correspondence and met and conferred about Defendants' intended motion to dismiss the original Complaint, Plaintiffs opted to amend their complaint and to entirely rework their Lanham Act theory from a false designation of origin claim—which Defendants had pointed out was absolutely barred under *Dastar*—to a false advertising claim, requiring Defendants to research and develop all-new arguments to respond to that amended claim. Those arguments were all incorporated into and formed the same basis for the prong 2 anti-SLAPP arguments against the UCL claim, thereby making them recoverable fees here. See Dkt 15-1, p. 22 ("because Plaintiffs' Lanham Act claim fails, so too does their UCL claim based on the same conduct"). The motion to dismiss and anti-SLAPP motion, Dkt. 15, is effectively 25.

25. The motion to dismiss and anti-SLAPP motion, Dkt. 15, is effectively compromised of five parts. Each of the four claims (Lanham Act, breach of contract, copyright and UCL) makes up a part and the anti-SLAPP portion makes up the fifth part. However, in order to be conservative in connection with the present fee motion, whenever a time entry generally refers to work related to both the dismissal and anti-SLAPP motion, Defendants have only sought 50% (or half) of that time, rather than 60% (or 3/5) of that time. Moreover, in an further effort to remain conservative in seeking fees in connection with this Motion, Defendants rounded down when calculating 50% of the entry. For example, if an entry generally refers to work related to both the dismissal and anti-SLAPP motion lists 2.1 hours, Defendants only seek 1 hour instead of 1.05 hours. Defendants have not sought time that pertains solely to the copyright and/or breach of contract claims, or any other matter not relating to the anti-SLAPP Motion. Defendants reserve their rights to seek any attorneys' fees and costs not sought and recovered via this

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Motion as appropriate under the Copyright Act, Lanham Act, or other applicable law.

26. The details of the work completed by Manatt attorneys and other professionals through the filing of this Motion for Attorneys' Fees and Costs is set forth below. The information in the chart below is a true and accurate reflection of the amounts incurred on our timekeeping records:

Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
Resear	rching and dr	_	Anti-SLAPP	and Dismissal Motion and nts
7/17/2022	.5	\$475.00	N. Bach	Emails to C. Chatham re initial analysis of claims against Roup & TSS.
7/25/2022	.2*	\$190.00	N. Bach	Begin drafting letter to DLA Piper regarding bases for motion to dismiss
7/26/2022	1.8*	\$1,539.00	S. Moses	Research copyright and Lanham Act claims; exchange emails with N. Bach re same.
7/27/2022	.3*	\$285.00	N. Bach	Drafting letter to DLA Piper
7/27/2022	.2*	\$171.00	S. Moses	Videoconference with client re motion to dismiss
7/29/2022	2.9*	\$2,755.00	N. Bach	Researching UCL claim defenses and preparing for call with T. Bentz; emails with S. Moses re defenses to UCL claim; debrief call with clients,

¹ Defendants have annotated entries that generally refer to work related to both the dismissal and anti-SLAPP motion or that include tasks that Defendants are not seeking fees on in this Motion with an asterisk (*) in the "Time" column of this chart. The listed times in the "Time" column that are marked with "*" have undergone the above noted time-reduction processes in ¶ 25. For example, the 1.8 hours entry for 7/26/2022 was 3.6 hours before reduction.

1 2 3	Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
4					S. Moses.
5	7/29/2022	.8	\$760.00	N. Bach	Conducting analysis of
6					potential to bring anti-SLAPP motion against Tracy
7					Anderson's UCL claim and
8					email to C. Chatham, S. Moses re same.
9	7/29/2022	4.2	\$3,591.00	S. Moses	Research Unfair Competition
10 11					Claim and Lanham Act claim; prepare summary for N. Bach re same.
12	7/29/2022	.3*	\$256.50	S. Moses	Videoconference with client re
13					call with opposing counsel;
14					review and analyze email correspondence re same.
15	8/1/2022	1.9*	\$1,805.00	N. Bach	Continue researching and
16 17					drafting letter to DLA Piper requesting dismissal.
18	8/2/2022	.5*	\$475.00	N. Bach	Call with C. Chatham, S.
19					Moses; revise letter to DLA per team's comments and send draft
20					to clients.
21	8/2/2022	.5*	\$427.50	S. Moses	Review and analyze letter to
22					Plaintiffs' counsel regarding motion to dismiss;
23					teleconference with C. Chatham and N. Bach
24					regarding same.
25	8/3/2022	.5*	\$475.00	N. Bach	Finalize letter to DLA Piper requesting dismissal of action
26	8/9/2022	.3*	\$270.00	C. Chatham	Identify key issues to address
27	0, 7, 2022		Ψ210.00	C. Chaman	with opposing counsel; outline
28					correspondence to client;

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x	_	
3			Time)		
4					continue to review and respond
5					to client; review and discuss immediate next steps regarding
7					response to Complaint; review and respond re potential Anti-
8					SLAPP motion.
9	8/16/2022	1*	\$760.00	A. Castro	Analyze complaint and prepare outline for motion to dismiss
10					and special motion to strike;
11					discuss same with N. Bach.
12	8/16/2022	1.4*	\$1,064.00	A. Castro	Analyze case law regarding anti-SLAPP motions; analyze
13					case law regarding copyright and Lanham claims.
14	8/17/2022	2.8*	\$2,128.00	A Castro	Draft motion to dismiss.
15	8/17/2022	.4*	\$304.00	A. Castro	Draft proposed order for
16	0/17/2022	.+	Ψ304.00	A. Castro	motion to dismiss.
17 18	8/17/2022	.5*	\$380.00	A. Castro	Draft declaration in support of motion to dismiss.
19	8/19/2022	.5*	\$380.00	A. Castro	Revise motion to dismiss.
20	8/19/2022	1.3	\$988.00	A. Castro	Analyze law regarding special motions to strike.
21	8/19/2022	1.9*	\$1,444.00	A. Castro	Continue revising motion to
22					dismiss and seek assistance in preparing final document.
23	8/19/2022	.2*	\$190.00	N. Bach	Call with S. Moses re drafting
24					motion to dismiss.
25	8/20/2022	1.5	\$1,282.50	S. Moses	Review and analyze Supreme Court decision regarding
26					commercial speech in anti-
27					SLAPP context.
28	8/22/2022	.7*	\$532.00	A. Castro	Finalize motion to dismiss;

1 2 3	Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
4					strategize regarding the same.
5 5 7	8/22/2022	.8*	\$608.00	A. Castro	Revise declaration and supporting documents to motion to dismiss.
	8/22/2022	1.1*	\$940.50	S. Moses	Drafting motion to dismiss complaint.
	8/23/2022	.8*	\$684.00	S. Moses	Continue drafting motion to dismiss complaint.
	8/26/2022	1.2*	\$1,026.00	S. Moses	Prepare motion to dismiss Complaint.
	8/29/2022	2.0*	\$1,710.00	S. Moses	Conduct research for and continue to draft motion to dismiss Complaint.
	8/30/2022	2.5*	\$2,137.50	S. Moses	Continue to draft motion to dismiss Complaint.
	8/31/2022	1.1*	\$940.50	S. Moses	Continue to draft motion to dismiss Complaint.
	9/1/2022	1.8*	\$1,539.00	S. Moses	Prepare motion to dismiss complaint.
	9/2/2022	.2*	\$190.00	N. Bach	Review and revise draft motion to dismiss and strike Anderson's complaint.
	9/8/2022	1.1*	\$1,045.00	N. Bach	Review letter from DLA Piper and email to C. Chatham, S. Moses, and clients re same; begin revising motion to dismiss; email to T. Bentz re meet and confer.
	9/8/2022	.3*	\$270.00	C. Chatham	Review and analyze DLA Piper's responses to client's letter regarding copyright infringement, Lanham Act,

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2 3			Incurred (Rate x	_	
			Time)		
5					breach of contract, California UCL, and related reasoning regarding same; Discuss same;
6 7					Address further handling and coordinate strategy with Motion
8					to Dismiss.
9	9/9/2022	2.0*	\$1,900.00	N. Bach	Prepare for meet and confer with DLA Piper; participate in
10					meet and confer regarding Defendants' intended motion to
11					dismiss; email update to clients
12					re same; researching issues and case law regarding motion to
13 14					dismiss and anti-SLAPP motion to strike.
15	9/9/2022	.3	\$171.00	S. Moses	Participate in meet and confer call re motion to dismiss.
16 17	9/12/2022	.6	\$513.00	S. Moses	Prepare motion to dismiss Unfair Competition Law claim.
18	9/13/2022	.1	\$90.00	C. Chatham	Review first amended
19					complaint filed by the plaintiff; and discuss impact to motion to
20					dismiss.
21	9/14/2022	1.8*	\$1,539.00	S. Moses	Review and analyze First Amended Complaint; research
22					impact of revisions to Lanham
23					Act claim.
24	9/15/2022	2.2	\$1,881.00	S. Moses	Research standing for false advertising claims under the
25					Lanham Act.
26	9/16/2022	2.7	\$2,308.50	S. Moses	Prepare motion to dismiss re
27	0.44.0.75.5.5	1.01			amended Lanham Act claim.
28	9/19/2022	1.8*	\$1,710.00	N. Bach	Reviewing and revising draft

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x	_	
3			Time)		
4					motion to dismiss the FAC.
5 6	9/20/2022	.2*	\$152.00	A. Castro	Draft correspondence regarding RJN and motion to dismiss.
7 8	9/20/2022	1.9*	\$1,805.00	N. Bach	Review and revise motion to dismiss the FAC; meeting with S. Moses re same.
9 10 11 12	9/20/2022	.8	\$684.00	S. Moses	Research motion to dismiss standard for materiality under Lanham Act false advertising claim; confer with N. Bach re same.
13	9/21/2022	.6*	\$456.00	A. Castro	Analyze case law regarding requests for judicial notice.
14 15	9/21/2022	1.1*	\$836.00	A. Castro	Draft, revise and finalize request for judicial notice.
16	9/21/2022	.3*	\$228.00	A. Castro	Draft proposed order for request for judicial notice.
17 18	9/21/2022	2.5*	\$2,375.00	N. Bach	Review and revise motion to dismiss the FAC.
19	9/21/2022	.5*	\$450.00	C. Chatham	Review and discuss preliminary
20					draft of motion to dismiss;
21					discuss revisions; review recent communications from opposing
22					counsel; identify specific
23					changes to amended complaint; discuss structure of arguments
24					with counsel; update client.
25 26	9/21/2022	1.0	\$855.00	S. Moses	Research falsity, materiality, and heightened pleading standard under Lanham Act.
27	9/22/2022	.2*	\$152.00	A. Castro	Further correspondence
28	91 221 2022	.2	ψ132.00	A. Casuo	regarding Request for Judicial

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x		
3			Time)		
4					Notice.
5	9/22/2022	2.2*	\$2,090.00	N. Bach	Continue revising motion to dismiss the FAC.
7	9/22/2022	.6*	\$513.00	S. Moses	Research incorporation by
8					reference doctrine and prepare insert for motion to dismiss re
9	9/23/2022	.8*	\$760.00	N. Bach	Same.
10 11	9/23/2022	.0	\$700.00	N. Dacii	Continue reviewing and revising motion to dismiss/motion to strike.
12	9/23/2022	.6*	\$513.00	S. Moses	Research pleading standard for
13					Lanham Act false advertising claims.
14 15	9/24/2022	1.5*	\$1,425.00	N. Bach	Continue revising and drafting motion to dismiss the FAC.
16	9/25/2022	4.1*	\$3,895.00	N. Bach	Continue revising and drafting motion to dismiss the FAC.
17 18	9/25/2022	.5*	\$427.50	S. Moses	Revise motion to dismiss First Amended Complaint.
19	9/26/2022	1.3*	\$988.00	A. Castro	Revise motion to dismiss.
20	9/26/2022	.3*	\$228.00	A. Castro	Draft updated proposed order.
21	9/26/2022	.4*	\$304.00	A. Castro	Analyze local rules regarding filing of notice of motion.
22	9/26/2022	.1*	\$76.00	A. Castro	Prepare notice of motion
23	9/26/2022	.4*	\$304.00	A. Castro	Analyze case law regarding
24 25					dismissal in motion to dismiss matters. Draft summary of the same.
26	9/26/2022	.1*	\$76.00	A. Castro	Engage in correspondence
27 28	71 201 2022	.1	ψ / Ο.ΟΟ	71. Casu 0	regarding filing of motion to dismiss.

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x	_	
3			Time)		
5	9/26/2022	.3*	\$228.00	A. Castro	Correspondence with litigation team regarding motion to dismiss.
6	9/26/2022	5.4*	\$5,130.00	N. Bach	Review and revisions to motion
7	372072022		φε,120.00	TW Buell	to dismiss draft; review and
8					revise Bach declaration, proposed order, RJN, corporate
9					disclosure statement;
10					videoconference with clients re
11					motion; continue revising motion and supporting papers.
12	9/26/2022	1.1*	\$990.00	C. Chatham	Review and revise draft of
13					motion to dismiss and strike
14					complaint; review authority for copyright and Lanham
15					arguments; review background
16					and introduction paragraphs; revise same; discuss and revise
17					copyright argument, anti-
18					SLAPP section, and related provisions; respond to back-
19					and-forth with N. Bach and S.
20					Moses; update client regarding the same and discuss.
21	9/26/2022	5.1*	\$4,360.50	S. Moses	Finalize motion to dismiss First
22					Amended Complaint; teleconference with client re
23					same.
24	9/27/2022	.3*	\$228.00	A. Castro	Analyze rules and regulation
25					regarding proposed orders. Draft summary of the same.
26	9/27/2022	.3*	\$228.00	A. Castro	Correspondence with litigation
27					team regarding today's filings.

LOS ANGELES

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x		
3			Time)		
4	9/27/2022	.5*	\$197.50	B. Gasik	E-File Notice of Appearance,
5					Motion to Dismiss, Memorandum of Points and
6					Authorities, Declaration,
7					Proposed Order and Certification of Interested
8					Parties in United States District
9					Court Central District California.
11	9/27/2022	3.1*	\$2,945.00	N. Bach	Final proof and edits to motion
12					to dismiss and supporting documents.
13	9/27/2022	.1*	\$90.00	C. Chatham	Continue to finalize motion to dismiss
14 15 16	9/27/2022	4.9*	\$4,410.00	C. Chatham	Finalize review and revisions for motion to dismiss and to strike, and all supporting documents.
17 18]	Reviewing an	d respondi	ing to Plainti	ff's Opposition brief
19 20 21	10/11/2022	.7*	\$665.00	N. Bach	Review and analyze Anderson's opposition to motion to dismiss; emails to C. Chatham, S. Moses, and clients regarding same.
22	10/12/2022	.3*	\$285.00	N. Bach	Meet with S. Moses regarding
23					preparation of reply brief; meeting with S. Moses, A.
24					Gonzalez regarding same.
25	10/12/2022	.6*	\$540.00	C. Chatham	Review opposition to motion to
26					dismiss first amended complaint and special motion to
27					strike from opposing counsel;
28					Provide analysis on opposition

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x		
3			Time)		
5					and discuss the same; organize and strategize key arguments
6					with counter prevailing authority; update client and
7					respond to back-and forth; review additional arguments on
8					anti-SLAPP and address the
9	10/10/2000			~	same.
10 11	10/12/2022	4.0*	\$3,420.00	S. Moses	Research for and prepare reply in support of motion to dismiss.
12	10/13/2022	3.7*	\$3,163.50	S. Moses	Research for and prepare reply in support of motion to dismiss.
13	10/14/2022	1.0*	\$950.00	N. Bach	Review and revise draft of
14					reply in support of motion to dismiss; emails with S. Moses,
15					A. Gonzalez regarding same.
16 17	10/14/2022	3.0*	\$2,565.00	S. Moses	Prepare reply in support of motion to dismiss complaint.
18	10/15/2022	1.0*	\$950.00	N. Bach	Review and revise reply brief in support of motion to dismiss.
19	10/16/2022	1.7*	\$1,615.00	N. Bach	Review and revise reply brief in
20					support of motion to dismiss and strike.
21	10/17/2022	6.0*	\$5,700.00	N. Bach	Continuing to review and revise
22 23					reply brief supporting motion to dismiss and strike.
24	10/17/2022	1.8*	\$1,539.00	S. Moses	Research for and prepare reply
25					in support of motion to dismiss and strike first amended
26	10/10/2022	1.0	4.11.		complaint.
27	10/18/2022	1.8	\$1,116.00	A. Gonzalez	Conduct UCL related research for reply brief.
28			•		

DECLARATION OF NATHANIEL L. BACH 2:22-CV-04735-PSG-E

$1 \parallel$	Date	Time ¹	Amount	Timekaanar	Toglz(g)
2	Date	Time	Incurred	Timekeeper	Task(s)
3			(Rate x Time)		
5	10/18/2022	2.6*	\$1,612.00	A. Gonzalez	Cite check of reply brief in support of motion to dismiss.
6 7	10/18/2022	.5*	\$197.50	B. Gasik	E-File Reply in United States District Court Northern District California.
8 9	10/18/2022	4.6*	\$4,370.00	N. Bach	Final revisions, proofing, and edits to reply in support of motion to dismiss.
10 11 12	10/18/2022	5.0*	\$4,275.00	S. Moses	Finalize and file reply in support of motion to dismiss and strike plaintiffs' first amended complaint.
13 14 15 16 17	10/19/2022	.5*	\$450.00	C. Chatham	Review Reply in support of motion to dismiss and special motion to strike; Discuss same; Address further handling and immediate next steps; update to client.
18					tion to Dismiss & Anti-SLAPP the Request for Ruling
19 20	12/14/2022	.2*	\$124.00	A. Gonzalez	Review and analysis of court's dismissal order.
21 22 23	12/14/2022	.4*	\$380.00	N. Bach	Analyzing order on motion to dismiss; zoom with clients, C. Chatham, S. Moses re order on MTD and next steps.
24 25 26 27	12/14/2022	.7*	\$630.00	C. Chatham	Review order regarding motion to dismiss and motion to strike; identify key parts of Judge Lew's ruling and identify immediate next steps; discuss potential fee recovery for anti-
28					

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x	_	
3			Time)		
4					SLAPP motion;
5					correspondence with litigation team; continue to review
6					plaintiff's options to amend to allow the Lanham Act or Unfair
7					Competition claims to survive;
8					update client and discuss same.
9	12/14/2022	.6*	\$513.00	S. Moses	Review and analyze order on motion to dismiss;
10					teleconference with client re
					same.
12 13	12/15/2022	.1*	\$85.50	S. Moses	Review and analyze Plaintiff's deadline to file an amended complaint.
14	12/16/2022	.3*	\$186.00	A. Gonzalez	Research and analyze trial court
15					order regarding when amendment to complaint is due.
16	12/16/2022	.2*	\$180.00	C. Chatham	Review and discuss
17 18					communications with opposing counsel regarding order
19					allowing Plaintiffs leave to
20					amend two causes of action; respond regarding deadlines
21					and schedule going forward;
22					review underlying order and reference to operative
23					complaint and reference the
24					same; further correspondence with litigation team.
25	12/19/2022	.1*	\$85.50	S. Moses	Exchange emails with
26					Plaintiffs' counsel re time to amend complaint and file
27					responsive pleading.

28

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred	•	, ,
3			(Rate x Time)		
4	12/20/2022	.2*	\$180.00	C. Chatham	Review correspondence with
5					opposing counsel regarding first amended complaint;
6					update client regarding the
7					same; review and respond to internal correspondence re
8					same.
9 10	12/21/2022	.1*	\$62.00	A. Gonzalez	Discuss deadline for opposing counsel to file amended complaint with team.
11	12/27/2022	.1*	\$62.00	A. Gonzalez	Finalize deadline for filing
12 13					amended complaint and Defendants' answer to same.
14	1/4/2023	.4*	\$426.00	N. Bach	Emails with DLA Piper, clients
15					re Plaintiffs' decision not to amend complaint; meet with S.
16					Moses, A. Gonzalez re same.
17	1/4/2023	.6*	\$606.00	C. Chatham	Continue to review, research and discuss anti-SLAPP
18 19					motion; review communications from opposing
20					counsel regarding not amending complaint; discuss and
21					strategize regarding same;
22					identify options for response to complaint and address same;
23					review surviving copyright
24					claim and strategy with the Violation of CA Unfair
25					Competition Law being
26					dismissed; communicate with client and team regarding same.
27	1/4/2023	.1*	\$100.00	S. Moses	Review and analyze
28					correspondence with opposing

1 2 3	Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
4 5					counsel and client re second amended complaint
6	1/5/2023	.1*	\$101.00	C. Chatham	Address anti-SLAPP strategy.
7 8	1/10/2023	.6	\$639.00	N. Bach	Research request for ruling on anti-SLAPP motion following non-amendment.
9 10 11	1/11/2023	2.0	\$1,310.00	A. Gonzalez	Research whether Roup is the prevailing party under anti- SLAPP law for attorneys' fees purposes.
12 13 14	1/11/2023	.5	\$500.00	S. Moses	Review and analyze research re effect of failing to amend claims vis-à-vis prevailing party for anti-SLAPP motion.
15 16 17	1/12/2023	2.2	\$2,343.00	N. Bach	Review and revise request for entry of dismissal with prejudice and ruling on anti-SLAPP motion.
18 19	1/12/2023	1.1	\$1,100.00	S. Moses	Research for and prepare Request for Ruling on anti- SLAPP motion.
20 21 22	1/16/2023	.4*	\$400.00	S. Moses	Review, analyze, and incorporate revisions into Request for Ruling.
22 23 24	1/17/2023	.3*	\$319.50	N. Bach	Review and revise Request for ruling on anti-SLAPP motion and dismissal with prejudice.
25 26 27	1/17/2023	.7*	\$700.00	S. Moses	Revise request for ruling and supporting documents; teleconference with client re same.
28	1/18/2023	.5*	\$227.50	B. Gasik	E-File Request for Dismissal

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2 3			Incurred (Rate x Time)		
4			1 mie)		with Declaration in United
5					States District Court Central District California.
6 7	1/18/2023	.6*	\$639.00	N. Bach	Final review of Request for
8					dismissal with prejudice of claims and ruling on anti-SLAPP motion.
9	1/18/2023	1.8*	\$1,800.00	S. Moses	Finalize revisions and review of Request for Ruling.
11	1/19/2023	.1	\$65.50	A. Gonzalez	Review and analyze court order
12					to determine briefing filing dates for the request for ruling
13					that Defendants filed that the
14					court construed as a motion for reconsideration.
15	1/19/2023	.6	\$600.00	S. Moses	Review and analyze court order
16 17					re Request for Dismissal and Ruling on Anti-SLAPP Motion; update client re same.
18	2/7/2023	1.0	\$1,010.00	C. Chatham	Review opposition regarding
19 20					request to dismiss Lanham Act and UCL claims; continue to
20					review opposition with request for ruling on special motion to
22					strike; discuss with team;
23					continue to strategize; update client regarding the same.
24	2/7/2023	1.1	\$1,171.50	N. Bach	Review Anderson's opposition
25					to motion for reconsideration re anti-SLAPP and outline reply
26					to same; begin drafting reply
27	2/7/2023	.4	\$400.00	S. Moses	brief. Review and analyze Plaintiffs'
28	2/1/2023	.+	φ+00.00	D. 1V1USES	Review and analyze Hamuilis

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred	1	
3			(Rate x Time)		
4					opposition to request for ruling.
5 6	2/8/2023	.4	\$426.00	N. Bach	Draft reply in support of request for ruling
7 8	2/9/2023	1.0	\$1,065.00	N. Bach	Research and draft reply in support of request for ruling on anti-SLAPP motion.
9 10	2/10/2023	2.5	\$2,662.50	N. Bach	Continue drafting reply in support of request for anti-SLAPP ruling.
11 12 13	2/13/2023	1.4	\$917.00	A. Gonzalez	Reviewing and analyzing citations to legal authority in our Reply in support of our Request for Ruling.
141516	2/13/2023	5.7	\$6,070.50	N. Bach	Continue revising reply in support of request for ruling on anti-SLAPP motion.
17	2/13/2023	1.6	\$1,600.00	S. Moses	Revise reply in support of request for dismissal.
18 19	2/14/2023	1.4	\$1,491.00	N. Bach	Final review of reply in support of request for anti-SLAPP ruling.
2021222324	2/14/2023	.7	\$707.00	C. Chatham	Review, analyze, discuss and respond to reply in support of our request for ruling on the anti-SLAPP motion and dismissal with prejudice of the Lanham and UCL claims.
2526	2/21/2023	.3	\$303.00	C. Chatham	Review papers regarding ruling regarding dismissal and Anti-SLAPP.
27 28	5/30/2023	.2*	\$200.00	S. Moses	Review and analyze recent copyright and anti-SLAPP

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2 3			Incurred (Rate x Time)		
4			,		decisions from Judge Gutierrez.
5 6	Resear	ching and di	_	Attorneys' Follocuments	ees Motion and supporting
7 8 9 10	6/13/2023	.5	\$532.50	N. Bach	Review Court's order granting motion to dismiss Lanham Act and UCL claims with prejudice and anti-SLAPP motion to strike; update client regarding same.
11 12 13 14	6/13/2023	.7	\$458.50	A. Gonzalez	Review and analysis of court's order dismissing with prejudice and granting motion to strike based on state anti-SLAPP of certain of plaintiff's claims.
15 16 17 18	6/13/2023	.5	\$327.50	A. Gonzalez	Review and analyze local rules and Judge Gutierrez's standing order to determine whether Defendants can seek an extension of attorneys' fees motion deadline via stipulation.
19 20 21	6/13/2023	2.1	\$1,375.50	A. Gonzalez	Research re attorneys' fees motion based on California anti-SLAPP win in federal court.
222324	6/13/2023	1.7	\$1,700.00	S. Moses	Review and analyze order regarding motion to dismiss and anti-SLAPP motion; research time to move for
25262728					attorneys' fees following grant of anti-SLAPP motion in federal court; exchange emails with N. Bach and A. Gonzalez regarding same.

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2	Butt		Incurred	типексерег	T don(s)
3			(Rate x Time)		
4 5	6/14/2023	.4	\$426.00	N. Bach	Strategizing regarding anti- SLAPP fee motion.
6 7	6/14/2023	.6	\$393.00	A. Gonzalez	Prepare attorneys' fees motion as prevailing party in an anti-SLAPP motion.
9	6/14/2023	1.3	\$1,300.00	S. Moses	Prepare motion for attorneys' fees; exchange emails with internal team regarding same.
10 11 12	6/15/2023	.3	\$319.50	N. Bach	Continue strategizing with S. Moses, A. Gonzalez regarding anti-SLAPP fee motion.
13 14 15	6/15/2023	1.0	\$655.00	A. Gonzalez	Research and review standards re submission of invoices in connection with motion for attorneys' fees.
16 17	6/15/2023	1.3	\$851.50	A. Gonzalez	Prepare and draft declaration of N. Bach in support of attorneys' fees.
18 19	6/15/2023	.7	\$458.50	A. Gonzalez	Collect evidence attached to declaration of N. Bach in support of attorneys' fees.
20 21	6/15/2023	6.7	\$6,700.00	S. Moses	Prepare anti-SLAPP motion for attorneys' fees.
22 23 24	6/15/2023	.6	\$606.00	C. Chatham	Communicate with team regarding Court's order and address motion for attorneys' fees in connection with Anti-SLAPP Motion to Strike.
2526	6/16/2023	1.0	\$1,065.00	N. Bach	Review and revise first draft of motion for attorneys' fees.
27 28	6/16/2023	1.6	\$1,048.00	A. Gonzalez	Review, analysis and revise draft of attorneys' fees motion.

1 2 3	Date	Time ¹	Amount Incurred (Rate x	Timekeeper	Task(s)
4	6/16/2023	2.1	Time)	A Gonzalez	Research recent cases in the
5	0/10/2023	2.1	φ1,575.50	A. Gonzaicz	Central District and in other
6					California jurisdictions that have found fees similar to
7					Manatt's reasonable.
8	6/16/2023	2.0	\$1,310.00	A. Gonzalez	Research re recoverability of fees in connection with motion
9 10					for attorneys' fees (anti- SLAPP).
11 12	6/16/2023	.6	\$393.00	A. Gonzalez	Prepare calculations of attorneys' fees from finalized invoices.
13	6/16/2023	2.6	\$2,600.00	S Moses	Prepare motion for attorneys'
14	0,10,2025	2.0	φ2,000.00	S. Woses	fees (anti-SLAPP); exchange
15					emails with opposing counsel regarding meet and confer regarding same.
16	6/18/2023	.9	\$589.50	A. Gonzalez	Continue calculating
17 18					recoverable attorneys' fees as a prevailing party under anti- SLAPP law.
19	6/19/2023	.5	\$532.50	N. Bach	Working on attorneys' fee
20					motion and correspondence
21					with S. Moses, A. Gonzalez regarding same.
22 23	6/19/2023	2.2	\$1,441.00	A. Gonzalez	Continue gathering and
24					calculating recoverable attorneys' fees as a prevailing
25					party under anti-SLAPP law.
26	6/20/2023	1.0	\$1,065.00	N. Bach	Meet and confer with
27					Anderson's counsel regarding motion for attorneys' fees;
28					follow up email re same.

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred	r	
3			(Rate x Time)		
4					Confer with S. Moses, A.
5					Gonzalez regarding attorneys' fees motion.
6	6/20/2023	.5	\$327.50	A. Gonzalez	Confer with opposing counsel
7 8					regarding brining attorneys' fees motion; discussion with N.
9					Bach and S. Moses regarding
10	6/20/2023	1.4	\$917.00	A Gonzalez	the same. Calculate total fees related to
11	0/20/2023	1.4	Ψ217.00	71. Gonzaicz	dismissal motion as requested
12					by opposing counsel in meet and confer process.
13	6/20/2023	3.9	\$2,554.50	A. Gonzalez	Draft declaration of N. Bach in
14					support of motion for attorneys' fees.
15	6/20/2023	.5	\$525.00	C. Chatham	Continue to review, discuss,
16					and implement strategy regarding stipulating to amount
17 18					of fees in connection with anti- SLAPP order.
19	6/20/2023	.7	\$700.00	S. Moses	Review and analyze case law
20					on recovering attorneys' fees in the contingency context;
21					exchange emails with N. Bach
22	6/21/2023	.2	\$213.00	N. Bach	and A. Gonzalez re same. Emails with T. Bentz regarding
23	0,21,2023	.2	Ψ213.00	iii. Dueii	stipulation to extend deadline to
24	c/01/0000	0	Φ.5.2.4.00	A C 1	file fees motion.
25	6/21/2023	.8	\$524.00	A. Gonzalez	Draft declaration of N. Bach in support of motion for attorneys'
26					fees.
27	6/21/2023	3.1	\$2,030.50	A. Gonzalez	Draft joint stipulation for extending deadline to file
28					extending deading to me

1 2	Date	Time ¹	Amount Incurred	Timekeeper	Task(s)
3			(Rate x Time)		
4 5 6					Attorneys' fees motion, declaration of N. Bach in support of the motion and a proposed order.
7 8	6/21/2023	1.3	\$851.50	A. Gonzalez	Draft and revise motion for attorneys' fees.
9 10 11	6/21/2023	.8	\$800.00	S. Moses	Exchange emails with N. Bach and A. Gonzalez re timing and substance of attorneys' fees motion and stipulation re same.
12 13 14	6/22/2023	.2	\$213.00	N. Bach	Emails with clients regarding order granting anti-SLAPP motion.
15	6/22/2023	2.2	\$1,441.00	A. Gonzalez	Draft and revise motion for attorneys' fees.
16 17 18	6/22/2023	2.0	\$1,310.00	A. Gonzalez	Prepare table of fees and costs to add to declaration of N. Bach in support of Defendants' motion for attorneys' fees.
19 20 21	6/22/2023	1.2	\$786.00	A. Gonzalez	Prepare and finalize joint stipulation to extend time for Defendants to file a motion for attorneys' fees.
222324	6/22/2023	.3	\$300.00	S. Moses	Review and analyze correspondence regarding stipulation to extend time to file attorneys' fees motion.
25262728	6/22/2023	.6	\$273.00	B. Gasik	E-File Stipulation and related documents in United States District Court Central District California.

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2	Date	Time	Incurred	Типсксерсі	rask(s)
3			(Rate x Time)		
4	6/23/2023	.4	\$400.00	S. Moses	Review and analyze draft
5					motion for attorneys' fees; exchange emails with N. Bach
6					and A. Gonzalez regarding
7					substance and timing of same.
8	6/23/2023	3.0	\$1,965.00	A. Gonzalez	Continue preparing table of fees and costs to add to
9					declaration of N. Bach in
10					support of Defendants' motion for attorneys' fees.
11	6/23/2023	1.5	\$982.50	A. Gonzalez	Prepare notice of motion and
12					proposed order for motion for attorneys' fees.
13	6/26/2023	.1	\$65.50	A Conzelez	Review and analysis of order
14 15	0/20/2023	.1	\$05.50	A. Golizalez	granting joint stipulation to extend time.
16	6/28/2023	.9	\$589.50	A. Gonzalez	Finalizing calculations
17					regarding attorneys' fees and costs for meet and confer
18					discussions.
19	6/28/2023	1.0	\$1,065.00	N. Bach	Review order granting
20					stipulation to extend fee motion deadline; review revised draft
21					of fee motion.
22	6/29/2023	.5	\$525.00	C. Chatham	Continue to discuss issues with
23					respect to the anti-SLAPP motion.
24	6/30/2023	1.8	\$1,917.00	N. Bach	Reviewing and redlining draft
25					of anti-SLAPP fee motion and
26					attorney declaration in support of same.
27	7/5/2023	1.6	\$1,048.00	A. Gonzalez	Prepare joint stipulation to
28					extend motion for attorneys'

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred (Rate x	1	
3			Time)		
4					fees deadline.
5	7/5/2023	1.7	\$1,810.50	N. Bach	Emails with T. Bentz, then A.
6					Gonzalez regarding extension of time to file motion for fees
7					regarding Anti-SLAPP motion.
8	7/6/2023	.6	\$393.00	A. Gonzalez	Finalize joint stipulation to
9					extend deadline to file attorneys' fees; coordinate
10					submission of same.
11	7/6/2023	.1	\$65.50	A. Gonzalez	Review and analysis of Court
12					order granting joint stipulation to extend attorneys' fees
13					motion deadline.
14	7/6/2023	1.1	\$1,155.00	C. Chatham	Conference call with client
15					regarding discussions with opposing counsel and
16					procedural next steps; review
17					and discuss second stipulation for extension regarding Motion
18					for Attorneys' Fees Under CCP
19					Section 425.16(c); discuss
20					internally with team and strategize.
21	7/10/2023	.3	\$315.00	C. Chatham	Confer with client, N. Bach, S.
22					Moses re fee recovery.
23	7/10/2023	.3	\$300.00	S. Moses	Conference call with clients, C.
24					Chatham and N. Bach regarding strategy.
25	7/10/2023	.6	\$639.00	N. Bach	Conference call with clients, C.
26					Chatham, S. Moses regarding
27					strategy; review stipulation extending deadline to file anti-
28					SLAPP fees motion.

1	Date	Time ¹	Amount	Timekeeper	Task(s)
2			Incurred	1	
3			(Rate x Time)		
4	7/23/2023	.8	\$524.00	A. Gonzalez	Per Plaintiffs' proposal,
5					research timing of when anti- SLAPP attorneys' fees granted
6 7					before final judgment are typically due to be paid to the
8					moving party.
9	7/26/2023	.3	\$196.50	A. Gonzalez	Review and analysis of
10					response to Plaintiffs' proposal re stipulating to anti-SLAPP
11					attorneys' fees; correspond with team regarding same.
12	7/26/2023	.2	\$200.00	S. Moses	Correspondence regarding
13					attorneys' fees motion.
14	7/26/2023	1.9	\$2,023.50	N. Bach	Reviewing and revising anti- SLAPP fees motion; emails
15 16					with S. Moses, A. Gonzalez regarding same.
17	7/27/2023	3.1	\$3,301.50	N. Bach	Review and revise anti-SLAPP motion for attorneys' fees.
18	7/28/2023	.4	\$262.00	A. Gonzalez	Draft attorneys' biographies
19 20					section of attorneys' fees motion.
21	7/28/2023	1.4	\$917.00	A. Gonzalez	Research recovery of fees for
22					other claims inextricably intertwined with anti-SLAPP
23					motion.
24	7/28/2023	5.3	\$5,644.50	N. Bach	Continue substantively revising memorandum of points and
25					authorities in support of anti- SLAPP fee motion.
26	7/29/2023	2.8	\$2,982.00	N. Bach	Continue drafting and revising
27	,,2,,2023		<i>\$2,702.00</i>	T. Duell	fee motion memorandum and Bach declaration in support
28					and the same of th

1 2 3	Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
4					thereof.
5 6 7	7/29/2023	3	\$1,965.00	A. Gonzalez	Fact cite-check of the anti- SLAPP attorneys' fees motion; revise declaration and motion re same.
8 9 10	7/30/2023	3.9	\$2,554.50	A. Gonzalez	Revise attorneys' fees motion per N. Bach comments; research reasonable fees of legal assistants and clerical
11 12					tasks; review circuit precedent regarding what attorneys' fees
13					have been found reasonable; research re establishing reasonability of hours incurred.
14 15 16	7/30/2023	2.0	\$1,310.00	A. Gonzalez	Review and analysis of time entries related to fees sought in Attorneys' Fees Motion, and confirming fee calculations.
17 18 19 20	7/30/2023	3.2	\$3,408.00	N. Bach	Continue revising anti-SLAPP fee motion and Bach declaration; revise notice of motion; correspond with A. Gonzalez regarding same.
21 22	7/31/2023	3.1	\$2,030.50	A. Gonzalez	Legal cite-check of the anti- SLAPP attorneys' fees motion.
23 24	7/31/2023	5.4	\$5,751.00	N. Bach	Final review and edits to anti- SLAPP attorneys' fees motion, memorandum of points and authorities, and Bach
2526					declaration and supporting exhibits.
27 28	7/31/2023	3.7	\$2,423.50	A. Gonzalez	Finalize anti-SLAPP attorneys' fees motion, declaration,

Date	Time ¹	Amount Incurred (Rate x Time)	Timekeeper	Task(s)
				proposed order, and other supporting documents.
7/31/2023	.5	\$500.00	S. Moses	Pre-filing review of anti- SLAPP attorneys' fees motion.
Total Hours and Fees				
TOTAL Hours: 275.7		Attorneys' Fees: \$238,849.00		

27. In sum, through the filing of this Motion, attorneys and other professionals collectively spent 275.7 hours working on this matter, which resulted in \$238,849.00 in attorneys' fees. Manatt will also seek any additional fees incurred in connection with preparing a reply and preparing for and attending any hearing on this Motion.

Manatt's Costs

28. Manatt also seeks recovery of costs in connection with the Motion to Strike. In the regular course of business, Manatt maintains records of costs incurred in connection with a particular client and matter. At present, Manatt is solely seeking process server costs in connection with this Motion. These costs are detailed below and are a true and accurate reflection of our records:

Date	Cost	Description		
Process Server Costs				
9/30/2022	\$37.12	First Legal Network, LLC delivery of Anti-SLAPP and Dismissal Motion courtesy copy to Court.		
10/31/2022	\$37.12	First Legal Network, LLC delivery of Reply in support of Anti-SLAPP and Dismissal Motion courtesy copy to		

ATTORNEYS AT LAW

LOS ANGELES

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Date	Cost	Description	
		Court	
1/31/2023	\$55.25	First Legal Network, LLC delivery of Request for Ruling courtesy copy to Court.	
2/15/2023	\$26.00	First Legal Network, LLC delivery of Reply in support of Request for Ruling courtesy copy to Court.	
6/30/2023	\$26.00	First Legal Network, LLC delivery of joint stipulation to extend anti-SLAPP attorneys' fees deadline courtesy copy to Court.	
7/15/2023	\$26.00	First Legal Network, LLC delivery of joint stipulation to extend anti-SLAPP attorneys' fees deadline courtesy copy to Court.	
	T	otal Costs	
TOTAL	\$207.49		

29. In sum, through the filing of this Motion, Manatt incurred \$207.49 in costs. Manatt is also seeking any additional fees incurred in connection with preparing a Reply and attending a hearing on this Motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed in Los Angeles, California, on July 31, 2023.

By: <u>/s/ Nathaniel L. Bach</u> Nathaniel L. Bach

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MANATT, PHELPS & PHILLIPS, LLP
ATTORNEYS AT LAW

LOS ANGELES

EXHIBIT A

manatt

Nathaniel L. Bach

Professional Experience

A Los Angeles-based Manatt Entertainment litigation partner, Nathaniel Bach represents prominent clients in the media, entertainment and technology industries, including film and television studios and networks, artists, brands, retailers, music publishers, producers, entrepreneurs and journalists. *Chambers USA* honored him in 2023 as one of the media and entertainment industry's notable Up & Coming lawyers, emphasizing that "He has incredible litigation expertise," "provides great counsel," and "His attention to detail is amazing." *Legal 500* recognized him as a 2021 Rising Star in Media and Entertainment Litigation. And *The Best Lawyers in America* has recognized him as "One to Watch" in Entertainment and Sports Law from 2021-2023.

Nat's broad commercial litigation practice spans copyright, trademark, right of publicity, First Amendment, contract, fashion, brand-protection, telecommunications, class action, intellectual property, and cutting-edge artificial intelligence, metaverse, digital assets, cryptocurrency and blockchain matters. In addition to his trial work, he maintains an active counseling practice, working with clients in pre-litigation and other risk-management matters. He has also represented clients in the



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various other high-profile transactions and disputes.

Nat maintains an active pro bono practice. He successfully represented Dreamers to obtain a first-in-thenation injunction blocking the Trump administration's unlawful revocation of the DACA program. Nat also
represented one of the first Dreamers unlawfully targeted by the Trump administration, obtaining (after
arguing) an unprecedented preliminary injunction that barred ICE and USCIS from falsely calling his client
a gang member. He has partnered with diverse legal services organizations including the ACLU of

financial industry in global regulatory and governmental investigations, and has played key roles in

Southern California, Public Counsel, Bet Tzedek, Lawyers Without Borders and the Equal Justice

Education

Initiative.

- University of California, Los Angeles School of Law, J.D., 2006
- University of Pennsylvania, B.A., Diplomatic History, French, 2002

Memberships and Activities

- Admitted to practice in the state of California
- Trustee, Los Angeles Copyright Society
- Member, LACBA, Entertainment Law and Intellectual Property Section

Nathaniel L. Bach

- Board Member, ShareWell, which operates the Cayton Children's Museum in Santa Monica
- Member of Advisory Board, Citizens of the World Los Angeles Charter Schools

Honors and Awards

- Named as one of the Top-Ranked Attorneys, Chambers USA, 2023
- "One to Watch" in Entertainment and Sports Law, The Best Lawyers in America, 2021–2023
- Rising Star in Media and Entertainment Litigation, Legal 500, 2021
- Litigator of the Week, AmLaw Litigation Daily, 2020

Experience

Select Entertainment, Media & Technology Matters

- Wolf v. NBCUniversal Successfully defended NBCUniversal in a \$150 million television profit
 participation licensing arbitration regarding a Law & Order series, including recouping arbitration
 fees.*
- Herring Networks, Inc. v. Maddow et al. Successfully obtained anti-SLAPP dismissal of a defamation claim brought by the owner of a television network against Rachel Maddow, MSNBC, NBCUniversal and Comcast.*
- Optimum Productions v. Home Box Office, Inc. Represented HBO against claims filed by Michael Jackson's estate over the Emmy-winning documentary Leaving Neverland.*
- LMNO Cable Group, Inc. v. Discovery Communications, LLC Represented Discovery in complex copyright, trademark, profit participation, contract and fraud litigation against a reality television production company.*
- Trump v. Trump Successfully represented Mary Trump in defeating Robert Trump's effort to enjoin publication of her best-selling memoir, Too Much and Never Enough.*
- Brown v. Giongco et al. Successfully obtained full dismissal of singer Chris Brown's claims against a Philippine arena owner over alleged extortion following a Manila concert.*
- DIRECTV, LLC v. Nexstar Broadcasting, Inc. Represented DIRECTV in a contract action in New York Supreme Court in a \$12 million retransmission dispute.*
- Defended a studio in a profit participation arbitration with a major TV franchise.

Select Intellectual Property Matters

- Tracy Anderson Mind and Body LLC v. Megan Roup et al. -- Representing celebrity fitness entrepreneur Megan Roup and The Sculpt Society LLC against copyright, Lanham Act, UCL, and contract claims over dance-cardio fitness classes.
- Real v. Yuga Labs et al. Representing artist Diplo in putative class action lawsuit claiming violation
 of securities laws in connection with ownership and alleged promotion of Bored Ape Yacht Club
 NFTs.
- Iglesia Ni Cristo (Church of Christ) v. Samson Successfully obtained preliminary injunction and resolution of copyright infringement litigation against former minister who was infringing Church's original hymns by broadcasting them via a worship service over Zoom.

Nathaniel L. Bach

■ Estate of Hugh M. Hefner – Representing the Hugh M. Hefner Foundation in intellectual property matters, including trademark, copyright and right of publicity matters.

Select Music Matters

- Warner/Chappell Music v. EMI Entertainment World Inc. Represented EMI and affiliates in litigation brought by Warner/Chappell and affiliates over royalty accounting matters for multiple song catalogues by artists such as Curtis Mayfield and Kool and the Gang, as well as film and television library catalogues with contracts dating back to the 1930s.
- In re Estate of Prince Rogers Nelson Successfully obtained rescission of a music licensing agreement and full return of funds for record company in deal with Prince's estate.*
- Soundgarden et al. v. UMG Recordings, Inc. Successfully represented record company in a
 putative class action over master recordings allegedly destroyed in a fire on the Universal Studios
 backlot.*
- Johansen v. Sony Music Entertainment Represented record company in a putative copyright class action brought by recording artists over Section 203 termination rights and related infringement claims.*
- Francisco Partners advised Francisco Partners Management, a U.S.-headquartered global investment firm, in its 2022 majority stake investment in Kobalt Music.
- Square Inc. advised Square in its 2021 acquisition of music-streaming platform TIDAL.*
- Edmunds v. Coleman Representing music manager in litigation seeking commissions from artist's catalog sale.

Select Pro Bono Matters

- State v. Martin Representing a former death-row inmate in challenging a capital murder conviction in Alabama. Served as one of the lead counsel at a three-week murder trial in 2019, examining multiple witnesses on direct and cross-examination before a jury.
- Moore v. Harper Filed U.S. Supreme Court amicus brief for UCLA Law Professor Richard L. Hasen in support of respondents in case considering the so-called "independent state legislature theory."
- Garcia v. United States Member of the litigation team that successfully blocked the Trump administration's attempt to terminate the DACA program and that was honored with California Lawyer's 2018 Attorneys of the Year award.*
- Ramirez Medina v. DHS Represented Dreamer in litigation challenging denial of DACA benefits.
 Argued two motions for preliminary injunction, motion for summary judgment and motion to dismiss before the chief judge of the U.S. District Court, Western District of Washington.*
- Partnered with ACLU to successfully protect a homeowner's association member's free speech rights.*
- Represented Cayton Children's Museum in various matters, including trademark and right of publicity matters.*
- Designed and drafted Lawyers Without Borders' 2014 Liberia Anti-Human Trafficking training program and its 2013 Kenya Anti-Corruption training program.*
- Successfully obtained the release of \$76 million in California state funding for educationally related mental-health services on behalf of a class of mentally disabled children.*

Nathaniel L. Bach

manatt

■ Led a litigation team in securing a settlement for the full amount of liability (\$1.6 million) in a class action lawsuit on behalf of developmentally disabled foster children.*

^{*} Denotes prior firm experience

EXHIBIT B

Christopher Chatham

Professional Experience

Chris represents high-profile individuals and companies from media, entertainment, production, sports and technology, as well as family offices, startups, professional athletes, celebrities, public figures and influencers. His execution-oriented approach and unique breadth of experience handling cutting-edge transactions allow his clients to adapt and grow their businesses in today's advanced data- and technology-driven marketplace. His portfolio also includes mergers and acquisitions, joint ventures, brand monetization, cross-border transactions, equity and debt financings and corporate governance, as well as general business and dispute resolution-related matters.

Chris' broad litigation and counseling practice includes media and entertainment law; misappropriation of the right of publicity; employment disputes; defamation; business torts; breach of fiduciary duties; privately-held companies; the formation and division of trusts; real estate; and commercial law. Understanding his clients' objectives and risk tolerance, he serves as a trusted business and legal advisor, structuring and negotiating unprecedented deals on behalf of his clients and bringing them successfully across the finish line. Chris has become



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the go-to lawyer in town for complex corporate and commercial transactions involving icons and moguls across a wide range of industries, including media, entertainment, technology, sports, consumer brands and health and wellness.

Frequently recognized as one of the entertainment industry's top lawyers, Chris' clients are currently functioning on multiple platforms generating more than 800 hours of television per year (including the #1 syndicated TV talk show), engaged in the development of dozens of pilots, selling more than 50 million books and operating a number of digital platforms with over a hundred million users per month. His impactful work has earned him recognition as a top Hollywood dealmaker from various media publications across the country, including Variety's Legal Impact Report and the publication's highly competitive Dealmakers Impact Report, The Hollywood Reporter's Top Dealmakers which features major gamechanging deals that have impacted the showbiz landscape, as well as other major publications such as the Los Angeles Times, Reuters, Bloomberg and other nationally recognized outlets. Before starting his career as a lawyer, Chris was a corporate bond trader on Wall Street and a Registered Representative of the National Association of Securities Dealers, coordinating billions of dollars in debt offerings for clients.

Education

- Southwestern Law School, J.D., 2005
- University of Virginia, B.A., Government, 2000

Christopher Chatham

Memberships and Activities

Admitted to practice in the state of California, the state of Hawaii and the District of Columbia

Honors and Awards

- Dealmakers Impact Report, *Variety*, 2014–23
- Legal Impact Report, Variety, 2014–23
- Top Dealmakers, The Hollywood Reporter, 2022
- Super Lawyer, Super Lawyers Magazine, 2015–23
- Rising Stars, Super Lawyers Magazine, 2012 and 2014

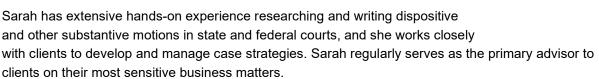
EXHIBIT C

Sarah E. Moses

Professional Experience

Sarah Moses is a partner in the Firm's industry-leading Manatt Entertainment group and focuses her practice on a variety of complex litigation and commercial disputes. Her representative matters within the broader entertainment sector have included guiding a major talent agency in an antitrust action, representing a grunge band in a copyright and trademark dispute with a fashion designer, and counseling a sports agency in contract disputes with professional athletes.

A significant portion of Sarah's practice is dedicated to white collar criminal defense work, representing high-net-worth individuals, politicians and companies in government investigations and prosecutions, and guiding companies through internal investigations. Her representative matters have included defending medical providers against health care fraud claims under the False Claims Act, representing employees in government investigations and administrative proceedings brought against an international banking institution, and defending politicians against public corruption charges.



Her pro bono experience has included spearheading the representation of a transgender inmate in Arizona state prison, including a briefing and oral argument before the U.S. Court of Appeals, Ninth Circuit.

Sarah began her legal career as a judicial extern to the Honorable David J. Cowan, Los Angeles Superior Court.

Education

- UCLA School of Law, J.D.; Symposium Editor, UCLA Law Review; Staff, Journal of International Law
 & Foreign Affairs, 2013
- Pace University, M.Sc. for Teachers, 2008
- Northwestern University, B.A., European History and Communication Studies, magna cum laude, 2006

Memberships and Activities

Admitted to practice in the state of California



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- Central District of California
- U.S. Court of Appeals, Ninth Circuit

Honors and Awards

Southern California Super Lawyers, Rising Star 2020–2023

Experience

- Represented a prominent U.S. attorney and his law firm in connection with civil RICO and state law claims brought by an actress concerning the Firm's representation of Harvey Weinstein; secured a full dismissal of all claims with prejudice.
- Secured a favorable settlement for a music manager in a case alleging violation of federal human trafficking statutes.
- Obtained dismissal of a lawsuit brought against an online magazine and its president alleging civil RICO claims.
- Secured summary judgment for a prominent U.K. law firm and one of its partners in a legal malpractice case brought by a songwriter related to negotiation of the songwriter's music copublishing agreement.
- Won an appellate victory for an Olympic gold medalist in beach volleyball in an endorsement contract dispute; the California Court of Appeal affirmed a prevailing party fee award for the client.
- Obtained a favorable settlement for a prominent sports and entertainment company involving claims of copyright infringement.
- Secured a favorable settlement for a professional surfer in a breach of contract dispute with a sponsor involving allegations of failure to perform due to COVID-related disruptions.
- Represented a major talent agency in an antitrust dispute with the Writers Guild of America regarding packaging fees.
- Represented an iconic '90s grunge band in a copyright and trademark dispute brought against an international fashion designer.
- Represented the County of Los Angeles in connection with a long-running civil rights case, including
 ensuring compliance with a consent decree governing constitutional policing in the Antelope Valley.
- Engaged by the Hollywood Foreign Press Association to investigate complaints made to its hotline regarding claims of organizational misconduct.
- Represented a pool of 25 bank employees in connection with investigations by the U.S. Department of Justice and administrative proceedings brought by the Office of the Comptroller of the Currency.
- Represented employees of a cochlear implant manufacturer in connection with a civil division Department of Justice investigation.
- Represents a social media influencer talent management company in connection with artist disputes;
 provides prelitigation advice on non-disparagement, non-solicitation and confidentiality issues.
- Represented an executive of PG&E in connection with government charges related to the Camp Fire.

EXHIBIT D

Andrea Del-Carmen Gonzalez

Professional Experience

Andrea Del-Carmen Gonzalez is an associate in Manatt's Los Angeles office. She is experienced in conducting reports and providing recommendations for complex commercial litigation matters.

Before joining Manatt, Andrea served as a judicial law clerk to the Honorable Michael R. Wilner of the U.S. District Court for the Central District of California and as a law clerk for the Orleans Public Defenders Office. She also worked as a summer associate at a New York-based law firm, where she assisted in a broad range of civil litigation matters, including an amicus brief to the Supreme Court. Andrea is fluent in Spanish.



- UCLA School of Law, J.D., 2020
 Coeditor-In-Chief, UCLA Law Review
- American University, B.A., International Studies, 2015

Languages

Spanish

Memberships and Activities

Admitted to practice in the state of California



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EXHIBIT E

Alex Castro

Professional Experience

Alex Castro is an employment and labor associate in the firm's Los Angeles office.

Before joining Manatt, Alex was an associate for a national law firm, where he was responsible for drafting and arguing motions, taking depositions, and negotiating Private Attorneys General Act settlements, while also participating in all phases of employment litigation.



Education

- Loyola Law School, J.D., 2017
- University of California, Merced, B.A., Political Science, 2014

Languages

Spanish (fluent)

Memberships and Activities

Admitted to practice in the state of California

Associate Employment and Labor

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EXHIBIT F

PEER MONITOR

Metric:Standard Rates (/hr.)Time:202201-202209Offices:Los Angeles CAPractices:Litigation

	My Firm	Peer Group - (120717)						
Timekeepers	_	Mean	Variance	Median	Variance	25th	75th	
Total All Lawyers	\$919	\$907	1.3%	\$904	1.6%	\$806	\$1,014	
Total All Partners	\$1,027	\$1,109	-7.4%	\$1,143	-10.1%	\$944	\$1,208	
Associate	\$722	\$784	-7.9%	\$794	-9.0%	\$692	\$819	
Associate (1st Year)	\$555	\$579	-4.1%	\$595	-6.7%	\$550	\$600	
Associate (2nd Year)	\$619	\$611	1.3%	\$601	3.0%	\$555	\$675	
Associate (3rd Year)	\$510	\$709	-28.1%	\$715	-28.7%	\$637	\$755	
Associate (4th Year)	\$685	\$720	-4.9%	\$705	-2.8%	\$664	\$783	
Associate (5th Year)	\$825	\$816	1.0%	\$805	2.5%	\$739	\$875	
Associate (6th Year)	\$727	\$840	-13.5%	\$835	-13.0%	\$751	\$925	
Associate (7th Year)	\$860	\$904	-4.8%	\$890	-3.4%	\$810	\$980	
Associate (Over 7 Years)	\$840	\$935	-10.2%	\$933	-9.9%	\$860	\$986	
Grad Date Not Found	\$503	*	*	*	*	N/A	N/A	
Equity Partner	\$1,125	\$1,142	-1.5%	\$1,169	-3.8%	\$969	\$1,249	
Partners (11 - 13 Years)	Х	\$955	*	\$1,010	*	\$851	\$1,068	
Partners (14 - 16 Years)	\$995	\$1,079	-7.8%	\$1,082	-8.1%	\$1,065	\$1,149	
Partners (17 - 19 Years)	\$900	\$1,089	-17.4%	\$1,120	-19.7%	\$984	\$1,192	
Partners (20 - 22 Years)	\$994	\$1,225	-18.8%	\$1,216	-18.3%	\$1,170	\$1,250	
Partners (23 - 25 Years)	\$1,040	\$1,115	-6.8%	\$1,161	-10.5%	\$910	\$1,185	
Partners (26 - 29 Years)	\$1,250	\$1,195	4.6%	\$1,250	0.0%	\$1,090	\$1,345	
Partners (30 - 34 Years)	\$1,176	\$1,206	-2.5%	\$1,215	-3.2%	\$1,102	\$1,255	
Partners (35 - 39 Years)	\$1,242	\$1,212	2.4%	\$1,221	1.7%	\$1,022	\$1,349	
Partners (40 - 44 Years)	\$1,272	\$1,290	-1.4%	\$1,290	-1.4%	\$1,055	\$1,373	
Non-Equity Partner	\$945	\$1,013	-6.7%	\$932	1.4%	\$907	\$1,135	
Partners (1 - 10 Years)	\$815	*	*	*	*	N/A	N/A	
Partners (11 - 13 Years)	\$895	*	*	*	*	N/A	N/A	
Partners (14 - 16 Years)	\$885	\$961	-7.9%	\$953	-7.0%	\$845	\$1,045	
Partners (17 - 19 Years)	\$905	*	*	*	*	N/A	N/A	
Partners (20 - 22 Years)	X	\$962	*	\$915	*	\$852	\$1,094	
Partners (23 - 25 Years)	\$970	\$1,050	-7.6%	\$1,130	-14.2%	\$860	\$1,152	
Partners (26 - 29 Years)	\$1,002	*	*	*	*	N/A	N/A	
Partners (30 - 34 Years)	\$1,025	*	*	*	*	N/A	N/A	
Partners (35 - 39 Years)	X	\$1,124	*	\$1,135	*	\$918	\$1,295	
Partners (40 - 44 Years)	\$1,090	*	*	*	*	N/A	N/A	
Partners (45 - 50 Years)	\$1,129	*	*	*	*	N/A	N/A	
Partners (Over 50 Years)	\$945	*	*	*	*	N/A	N/A	
Of Counsel	\$911	\$1,009	-9.8%	\$1,025	-11.1%	\$895	\$1,065	
Other Lawyer	\$430	\$871	-50.6%	\$795	-45.9%	\$695	\$1,080	

EXHIBIT G

PEER MONITOR

 Metric:
 Standard Rates (/hr.)

 Time:
 202301-202305

 Currency:
 USD

 Offices:
 Los Angeles CA

 Practices:
 Litigation

Total All Partners		My Firm	Peer Group - (120717)			oup - (120717)			
Total All Partners \$1,144	Timekeepers		Mean	Variance	Median	Variance	25th	75th	
Equity Partner S1,215 S1,252 -2.9% S1,70 -4.3% S1,081 S1,399 Partners (11 - 13 Years) X S1,048 -5.1,130 -5.5,1119 S1,1190 Partners (17 - 19 Years) S1,015 S1,119 -0.3% S1,160 -3.9% S1,118 S1,320 Partners (17 - 19 Years) S1,005 S1,205 -1.6.6% S1,244 -19.3% S1,183 S1,320 Partners (22 -22 Years) S1,171 -7.2	Total All Lawyers	\$996	\$971	2.5%	\$971	2.5%	\$910	\$1,044	
Partners (11 - 13 Years) X \$1,048 * \$1,130 * \$917 \$1,161 Partners (14 - 16 Years) \$1,115 \$1,115 \$1,129 \$-0.3% \$1,160 \$-3.9% \$1,119 \$1,190 Partners (17 - 19 Years) \$1,005 \$1,205 \$-1.66% \$1,244 \$-19.3% \$1,183 \$1,320 Partners (27 - 22 Years) \$1,114 \$1,209 \$-7.8% \$1,292 \$-13.8% \$980 \$1,345 Partners (20 - 22 Years) \$1,114 \$1,209 \$-7.8% \$1,292 \$-13.8% \$980 \$1,345 Partners (26 - 29 Years) \$1,117 \$-\$ * * * * * * * * * * * * * * * * * *	Total All Partners	\$1,144	\$1,195	-4.3%	\$1,253	-8.7%	\$1,033	\$1,343	
Partners (14 - 16 Years)	Equity Partner	\$1,215	\$1,252	-2.9%	\$1,270	-4.3%	\$1,081	\$1,399	
Partners (17 - 19 Years)	Partners (11 - 13 Years)	Х	\$1,048	*	\$1,130	*	\$917	\$1,161	
Partners (20 - 22 Years)	Partners (14 - 16 Years)	\$1,115	\$1,119	-0.3%	\$1,160	-3.9%	\$1,119	\$1,190	
Partners (23 - 25 Years) \$1,171 * * * * N/A N/A Partners (26 - 29 Years) \$1,219 \$1,287 -5.2% \$1,116 -7.3% \$1,200 \$1,395 Partners (37 - 34 Years) \$1,316 \$1,308 0.6% \$1,193 10.3% \$1,141 \$1,436 Partners (37 - 34 Years) \$1,400 \$1,342 4.3% \$1,303 7.4% \$1,192 \$1,505 Partners (40 - 44 Years) \$1,415 \$1,462 -3.2% \$1,480 -4.4% \$1,455 \$1,480 Non-Equity Partner \$1,068 \$1,089 -1.9% \$1,035 3.2% \$958 \$1,241 Partners (17 - 10 Years) X * * * * * N/A N/A Partners (14 - 16 Years) \$985 * * * * * N/A N/A Partners (14 - 16 Years) \$985 * * * * * N/A N/A Partners (14 - 19 Years) <t< td=""><td>Partners (17 - 19 Years)</td><td>\$1,005</td><td>\$1,205</td><td>-16.6%</td><td>\$1,244</td><td>-19.3%</td><td>\$1,183</td><td>\$1,320</td></t<>	Partners (17 - 19 Years)	\$1,005	\$1,205	-16.6%	\$1,244	-19.3%	\$1,183	\$1,320	
Partners (26 - 29 Years)	Partners (20 - 22 Years)	\$1,114	\$1,209	-7.8%	\$1,292	-13.8%	\$980	\$1,345	
Partners (30 - 34 Years) \$1,316 \$1,308 0.6% \$1,193 10.3% \$1,141 \$1,436 Partners (35 - 39 Years) \$1,400 \$1,342 4.3% \$1,303 7.4% \$1,192 \$1,505 Partners (40 - 44 Years) \$1,415 \$1,462 4.3% \$1,400 4.4% \$1,455 \$1,460 4.4% \$1,455 \$1,460 4.4% \$1,455 \$1,460 4.4% \$1,455 \$1,460 4.4% \$1,455 \$1,460 \$1,461 \$1	Partners (23 - 25 Years)	\$1,171	*	*	*	*	N/A	N/A	
Partners (35 - 39 Years) \$1,400 \$1,342 4.3% \$1,303 7.4% \$1,192 \$1,505 Partners (40 - 44 Years) \$1,415 \$1,462 -3.2% \$1,480 -4.4% \$1,455 \$1,455 \$1,480	Partners (26 - 29 Years)	\$1,219	\$1,287	-5.2%	\$1,316	-7.3%	\$1,200	\$1,395	
Partners (40 - 44 Years) Non-Equity Partner \$1,068 \$1,089 \$1,089 \$-1.9% \$1,035 \$3.2% \$9588 \$1,241 Partners (1 - 10 Years) X * * * * * * * N/A Partners (11 - 13 Years) \$987 * * * * * * * N/A Partners (11 - 13 Years) \$985 * * * * * * * N/A Partners (14 - 16 Years) Partners (14 - 16 Years) \$985 * * * * * * * N/A Partners (17 - 19 Years) Partners (17 - 19 Years) Partners (20 - 22 Years) \$0 * * * * * N/A Partners (20 - 22 Years) Partners (20 - 22 Years) \$1,100 \$1,052 \$4.5% \$935 \$17.6% \$930 \$1,248 Partners (26 - 29 Years) Partners (26 - 29 Years) Partners (30 - 34 Years) Partners (30 - 34 Years) Partners (35 - 39 Years) \$1,123 * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * * * N/A Partners (40 - 44 Years) Partners (40 - 44 Years) \$5,00 * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * * * * N/A Partners (40 - 44 Years) \$5,00 * * * * * * * * * * N/A Partners (40 - 44 Years) \$5,00 *	Partners (30 - 34 Years)	\$1,316	\$1,308	0.6%	\$1,193	10.3%	\$1,141	\$1,436	
Non-Equity Partner	Partners (35 - 39 Years)	\$1,400	\$1,342	4.3%	\$1,303	7.4%	\$1,192	\$1,505	
Partners (1 - 10 Years) X * * * * * * * N/A N/A N/A Partners (11 - 13 Years) \$987	Partners (40 - 44 Years)	\$1,415	\$1,462	-3.2%	\$1,480	-4.4%	\$1,455	\$1,480	
Partners (11 - 13 Years)	Non-Equity Partner	\$1,068	\$1,089	-1.9%	\$1,035	3.2%	\$958	\$1,241	
Partners (14 - 16 Years) \$985 * * * * * * N/A N/A Partners (17 - 19 Years) \$1,065 \$1,027 3.7% \$990 7.5% \$959 \$1,020 Partners (20 - 22 Years) \$0 * * * * * * * N/A N/A N/A Partners (23 - 25 Years) \$1,100 \$1,052 4.5% \$935 17.6% \$930 \$1,248 Partners (26 - 29 Years) \$1,128 * * * * * * * N/A N/A Partners (26 - 29 Years) \$1,128 * * * * * * * * N/A N/A Partners (30 - 34 Years) \$1,123 * * * * * * * * N/A N/A Partners (30 - 34 Years) \$1,123 * * * * * * * * N/A N/A Partners (30 - 34 Years) \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * * * * N/A N/A Partners (40 - 44 Years) \$0 * * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$1,250 * * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$1,250 * * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$975 * * * * * * * N/A N/A N/A Associate (1st Year) \$995 \$590 \$629 6.3% \$635 7.1% \$584 \$668 Associate (1st Year) \$655 \$702 6.8% \$707 7.3% \$644 \$763 Associate (2nd Year) \$655 \$702 6.8% \$707 7.3% \$644 \$763 Associate (2nd Year) \$655 \$702 6.8% \$707 7.3% \$644 \$763 Associate (2nd Year) \$655 \$825 9.5% \$850 9.9% \$725 \$860 Associate (1st Year) \$683 \$765 9.5% \$769 9.9% \$725 \$860 Associate (1st Year) \$885 \$825 9.9.1% \$838 3.0.1% \$741 \$917 Associate (5th Year) \$885 \$885 14.2% \$855 13.7% \$770 \$940 Associate (6th Year) \$885 \$949 5.7% \$944 5.5% \$853 \$1,027 Associate (6th Year) \$885 \$949 5.7% \$940 7.5% \$940 7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 \$1,005 \$793 1.00.0% \$724 \$990 Of Counsel \$1,075 \$1,187 9.4% \$1,172 8.3% \$982 \$1,285	Partners (1 - 10 Years)	Х	*	*	*	*	N/A	N/A	
Partners (17 - 19 Years) \$1,065 \$1,027 3.7% \$990 7.5% \$959 \$1,020 Partners (20 - 22 Years) \$0 * * * * * * * * N/A N/A N/A Partners (23 - 25 Years) \$1,100 \$1,052 4.5% \$935 17.6% \$930 \$1,248 Partners (26 - 29 Years) \$1,128 * * * * * * N/A N/A N/A Partners (26 - 29 Years) \$1,128 * * * * * * N/A N/A N/A Partners (35 - 39 Years) \$1,128 * * * * * * N/A N/A Partners (35 - 39 Years) \$1,122 \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * * * N/A N/A N/A Partners (40 - 44 Years) \$0 * * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$1,250 * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$51,250 * * * * * * * N/A N/A N/A Partners (40 - 50 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * * N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * * N/A N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * * * N/A N/A N/A N/A N/A Partners (40 - 44 Years) \$51,250 * * * * * * * * * N/A	Partners (11 - 13 Years)	\$987	*	*	*	*	N/A	N/A	
Partners (20 - 22 Years) \$0 * * * * * N/A N/A Partners (23 - 25 Years) \$1,100 \$1,052 4.5% \$935 17.6% \$930 \$1,248 Partners (26 - 29 Years) \$1,128 * * * * N/A N/A N/A Partners (36 - 39 Years) \$1,123 * * * N/A N/A N/A Partners (35 - 39 Years) \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * N/A N/A N/A Partners (40 - 44 Years) \$0 * * * * N/A N/A N/A Partners (40 - 44 Years) \$0 * * * * N/A N/A N/A Partners (40 - 50 Years) \$1,250 * * * * N/A N/A N/A N/A N/A N/A N	Partners (14 - 16 Years)	\$985	*	*	*	*	N/A	N/A	
Partners (23 - 25 Years) \$1,100 \$1,052 \$4.5% \$935 \$17.6% \$930 \$1,248 Partners (26 - 29 Years) \$1,128 * * * * * * * N/A N/A Partners (30 - 34 Years) \$1,123 * * * * * * * * N/A N/A Partners (35 - 39 Years) \$1,225 \$1,203 \$1.8% \$1,159 \$5.7% \$1,015 \$1,423 Partners (45 - 40 Years) \$0 * * * * * * * N/A N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * * * N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * * * N/A N/A Partners (0ver 50 Years) \$975 * * * * * * * N/A N/A Partners (0ver 50 Years) \$975 * * * * * * * N/A N/A N/A Partners (0ver 50 Years) \$995 \$1,260 \$1.28% \$862 \$1.3.9% \$764 \$925 \$1.3.0% \$1.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2	Partners (17 - 19 Years)	\$1,065	\$1,027	3.7%	\$990	7.5%	\$959	\$1,020	
Partners (26 - 29 Years) \$1,128 * * * * N/A N/A Partners (30 - 34 Years) \$1,123 * * * * * N/A N/A N/A Partners (35 - 39 Years) \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * * N/A N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * N/A N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * N/A N/A N/A Partners (45 - 50 Years) \$975 * * * * N/A N/A N/A Partners (45 - 50 Years) \$975 * * * * N/A N/A Associate (50 Years) \$972 \$653 - -12.8% \$862 -13.9% N/A 5764	Partners (20 - 22 Years)	\$0	*	*	*	*	N/A	N/A	
Partners (26 - 29 Years) \$1,128 * * * * N/A N/A Partners (30 - 34 Years) \$1,123 * * * * * N/A N/A N/A Partners (35 - 39 Years) \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * * N/A N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * N/A N/A N/A Partners (45 - 50 Years) \$1,250 * * * * N/A N/A N/A Partners (45 - 50 Years) \$975 * * * * N/A N/A N/A Associate (50 Years) \$975 * * * * N/A N/A N/A N/A N/A ANA N/A N/A N/A N/A N/A S/56 \$629 -6.3%	Partners (23 - 25 Years)	\$1,100	\$1,052	4.5%	\$935	17.6%	\$930	\$1,248	
Partners (35 - 39 Years) \$1,225 \$1,203 1.8% \$1,159 5.7% \$1,015 \$1,423 Partners (40 - 44 Years) \$0 * * * * * * * * N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * * * * N/A N/A N/A Partners (Over 50 Years) \$975 * * * * * * * * N/A N/A N/A Associate (31 Year) \$50 \$629 6.3% \$635 7.1% \$584 \$668 Associate (1st Year) \$655 \$702 6.8% \$707 7.3% \$644 \$763 Associate (2nd Year) \$6655 \$702 6.8% \$707 7.3% \$644 \$763 Associate (3rd Year) \$585 \$825 7.9.5% \$709 9.9% \$725 \$860 Associate (4th Year) \$585 \$825 7.2.1% \$838 7.0.1% \$741 \$917 Associate (5th Year) \$738 \$859 1.4.2% \$855 1.3.7% \$770 \$940 Associate (6th Year) \$895 \$949 1.5.7% \$944 1.5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 1.20.5% \$950 1.9.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 1.5.7% \$1,024 7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 1.00.0% \$793 1.00.0% \$724 \$990 Of Counsel		\$1,128	*	*	*	*	N/A	N/A	
Partners (40 - 44 Years) \$0 * * * * * N/A N/A Partners (45 - 50 Years) \$1,250 * * * * * N/A N/A Partners (Over 50 Years) \$975 * * * * * N/A N/A N/A Associate \$742 \$851 -12.8% \$862 -13.9% \$764 \$925 Associate (1st Year) \$590 \$629 -6.3% \$635 -7.1% \$584 \$668 Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (5th Year) \$895 \$949	Partners (30 - 34 Years)	\$1,123	*	*	*	*	N/A	N/A	
Partners (45 - 50 Years) \$1,250 * * * * * * N/A N/A Partners (Over 50 Years) \$975 * * * * * * N/A N/A Associate \$9742 \$851 -12.8% \$862 -13.9% \$764 \$925 Associate (1st Year) \$590 \$629 -6.3% \$635 -7.1% \$584 \$668 Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel	Partners (35 - 39 Years)	\$1,225	\$1,203	1.8%	\$1,159	5.7%	\$1,015	\$1,423	
Partners (Over 50 Years) \$975 * * * * * * N/A N/A Associate Associate (1st Year) \$590 \$629 -6.3% \$635 -7.1% \$584 \$668 Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel	Partners (40 - 44 Years)	\$0	*	*	*	*	N/A	N/A	
Associate (1st Year) \$590 \$629 -6.3% \$635 -7.1% \$584 \$668 Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Partners (45 - 50 Years)	\$1,250	*	*	*	*	N/A	N/A	
Associate (1st Year) \$590 \$629 -6.3% \$635 -7.1% \$584 \$668 Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% <td>Partners (Over 50 Years)</td> <td>\$975</td> <td>*</td> <td>*</td> <td>*</td> <td>*</td> <td>N/A</td> <td>N/A</td>	Partners (Over 50 Years)	\$975	*	*	*	*	N/A	N/A	
Associate (2nd Year) \$655 \$702 -6.8% \$707 -7.3% \$644 \$763 Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate	\$742	\$851	-12.8%	\$862	-13.9%	\$764	\$925	
Associate (3rd Year) \$693 \$765 -9.5% \$769 -9.9% \$725 \$860 Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (1st Year)	\$590	\$629	-6.3%	\$635	-7.1%	\$584	\$668	
Associate (4th Year) \$585 \$825 -29.1% \$838 -30.1% \$741 \$917 Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (2nd Year)	\$655	\$702	-6.8%	\$707	-7.3%	\$644	\$763	
Associate (5th Year) \$738 \$859 -14.2% \$855 -13.7% \$770 \$940 Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (3rd Year)	\$693	\$765	-9.5%	\$769	-9.9%	\$725	\$860	
Associate (6th Year) \$895 \$949 -5.7% \$944 -5.2% \$853 \$1,027 Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (4th Year)	\$585	\$825	-29.1%	\$838	-30.1%	\$741	\$917	
Associate (7th Year) \$767 \$965 -20.5% \$950 -19.3% \$845 \$1,035 Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (5th Year)	\$738	\$859	-14.2%	\$855	-13.7%	\$770	\$940	
Associate (Over 7 Years) \$946 \$1,003 -5.7% \$1,024 -7.6% \$925 \$1,060 Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (6th Year)	\$895	\$949	-5.7%	\$944	-5.2%	\$853	\$1,027	
Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (7th Year)	\$767	\$965	-20.5%	\$950	-19.3%	\$845	\$1,035	
Grad Date Not Found \$0 \$825 -100.0% \$793 -100.0% \$724 \$990 Of Counsel \$1,075 \$1,187 -9.4% \$1,172 -8.3% \$982 \$1,285	Associate (Over 7 Years)	\$946	\$1,003	-5.7%	\$1,024	-7.6%	\$925	\$1,060	
	The state of the s			-100.0%		-100.0%			
	Of Counsel	\$1,075	\$1,187	-9.4%	\$1,172	-8.3%	\$982	\$1,285	
	Other Lawyer			-51.0%					