

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

RODNEY J. IRELAND, et al.,	)	Case No. 3:13-CV-0003-PDW-ARS
)	
Plaintiffs,	)	MOTION FOR ATTORNEYS' FEES AND COSTS
)	
vs.)	
)	
CHRISTOPHER D. JONES, etc., et al,)	
)	
Defendants.)	
)	

Pursuant to Fed. R. Civ. P. 26(h) and the terms of the parties' Settlement Agreement, the Class and Subclass Representatives, on behalf of themselves and the certified classes they represent, file this motion seeking an award of attorneys' fees and costs in the amount of \$320,000 in connection with final approval of the proposed class action settlement with defendants Christopher D. Jones, Executive Director, North Dakota Department of Human Services, in his official capacity, the State of North Dakota, North Dakota Department of Human Services ("DHS"), North Dakota State Hospital ("NDSH"), and Dr. Rosalie Etherington, Superintendent of NDSH, in her official capacity.¹ In 2013, Judge Erickson and Magistrate Judge Klein asked Joel Fremstad and Christopher Brancart to accept appointment to represent the plaintiffs in this case. (Declaration of Joel Fremstad filed herewith ["Fremstad Dec."] ¶ 7; Declaration of

¹This motion is being filed before the motion for final approval so that it is on file prior to the expiration of the deadline for class members to file objections to the proposed settlement. Details regarding the terms of the settlement will be set forth in the motion for final approval. They are also set forth in the motion for preliminary approval already on file. (ECF 687 at pp. 10-20.)

Christopher Brancart filed herewith [“C.Brancart Dec.”] ¶ 2.) Both agreed and have represented the plaintiff classes in this litigation for the past seven years. The case having reached an agreed upon settlement and notice having been given to the class, plaintiffs now bring this motion for approval of the negotiated fee award.

AGREEMENT ON THE AMOUNT OF ATTORNEYS’ FEES AND COSTS

Pursuant to the Settlement Agreement setting forth the terms of the proposed class action settlement filed in this action on July 13, 2020 (Doc. 687-2), defendants have agreed to pay Class Counsel’s attorneys’ fees and costs in the amount of \$320,000.00, subject to Court approval as required by Fed. R. Civ. P. 23(h). (Doc. 687-2 at 303 ¶ 3.9 [capitalized terms in this motion have the same definition as those in the Settlement Agreement].) The Agreement contemplates that plaintiffs will move for attorneys’ fees and costs in conjunction with the Court’s hearing on the final approval of the proposed settlement. (Id.) Defendants have agreed “not to oppose or cause to be opposed Class Counsel’s Fee Motion so long as the amount requested does not exceed [\$320,000.00].” (Id.) It does not.

NOTICE TO THE CLASS

Notice of the proposed payment of attorneys’ fees and costs was included in the Class Notice timely mailed to the Absent Class Members. A copy of this fee motion will also be placed on each unit at SOTEP at NDSH so that class members may review it prior to the expiration of the objection deadline. (Declaration of Elizabeth Brancart filed herewith [“E.Brancart Dec.”] ¶ 25.)

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ARGUMENT

**THE COURT SHOULD APPROVE PLAINTIFFS' REQUEST
FOR ATTORNEYS' FEES AND COSTS.**

A. Applicable Legal Standards.

Under Fed. R. Civ. P. 23(h), “[i]n a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). Rule 23(h) requires a formal fee motion, and class members must be given notice of the motion and an opportunity to object. Fed. R. Civ. P. 23(h)(1) and (2). Here, as stated above, notice that Class Counsel would move for the attorneys’ fees and the proposed amount of the fees to be awarded was included in the Class Notice along with instructions on how to object. (E.Brancart Dec. ¶¶ 25; ECF 687-2 at pp. 82, 84-85 of 99.)

In this case, an award of attorneys’ fees is authorized by both law and the parties’ agreement. The proposed class settlement involves plaintiffs’ claims under the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12101, *et seq.*, the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), 42 U.S.C. §§ 2000cc, *et seq.*, and 42 U.S.C. §§ 1983, 1985(e) and 1986. (ECF 246 at pp. 78-31; ECF 574-1 at p. 38.) Each of those claims provides for an award of reasonable attorneys’ fees and costs to the prevailing party. The ADA provides that the Court “in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee, including litigation expenses, and costs.” 42 U.S.C. § 12205. The Civil Rights Attorney’s Fees Awards Act, as amended, provides that in cases brought under RLUIPA and §§ 1983, 1985, 1985, 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(b).

In exercising its discretion to determine a reasonable fee in a class action settlement, a district court generally calculates the fee award by utilizing either the lodestar method or the percentage of the benefit method. *In re Life Time Fitness, Inc., Tel. Consumer Prot. Act (TCPA) Litig.*, 847 F.3d 619, 622 (8th Cir. 2017). The lodestar approach is the recommended method by which to analyze a fee request in a class action brought under a fee-shifting statute because "it is reasonably objective, neutral, and does not require making monetary assessments of intangible rights." *Johnston v. Comerica Mortg. Corp.*, 83 F.3d 241, 245 (8th Cir. 1996). As this case involves claims with statutory fee-shifting provisions, the lodestar method is appropriate.

B. The proposed fee award represents a reasonable fee under the lodestar method.

The lodestar is calculated by multiplying the number of hours reasonably worked by the prevailing hourly rate. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Childress v. Fox Assocs., LLC Childress*, 932 F.3d 1165, 1172 (8th Cir. 2019). The proposed fee award of \$320,000 is less than Class Counsel's actual lodestar for work on the settled claims. As will be described in Class Counsel's motion for final approval, the claims settled represent only a portion of the claims brought in the case. During the pendency of this case the Eighth Circuit's developing jurisprudence effectively foreclosed constitutional claims by civilly committed sex offenders challenging their continued confinement in the face of non-existent or inadequate sex offender treatment. *Karsjens v. Piper*, 845 F.3d 394 (8th Cir. 2017). Class counsel spent a significant amount of time

over the past seven years litigating those claims, even obtaining a ruling in plaintiffs' favor that a portion of the North Dakota sex offender statute was unconstitutional.² (See ECF Orders 403, 519, 535, 648, 669.)

But, unlike the class action challenges to the Minnesota, Missouri, and Iowa sex offender civil commitment systems which were ultimately dismissed under *Karsjens*, the plaintiffs in this case also brought statutory challenges along with constitutional challenges based on the conditions of confinement for persons being held at NDSH pending evaluation for civil commitment and challenges to the practice of charging SDIs for the cost of their civil commitment and pursuing post-release claims to recover those costs by way of collections agencies and judgments. (ECF 246 at pp. 78-31; ECF 343-1 at pp. 26-29; ECF 574-1 at p. 38.) Plaintiffs also brought claims against the Department of Corrections and Rehabilitation for its part in the civil commitment process. (ECF 246 at pp. 17-22.) Class Counsel – primarily Christopher Brancart and Elizabeth Brancart – spent over 4,000 hours litigating the entire case, for a lodestar of \$1.5 million. (E.Brancart Dec. ¶¶ 8-11; Table 1 below.) Columns B and C of Table 1 below reflect the total number of hours worked by Christopher Brancart and Elizabeth Brancart on the litigation and the unadjusted lodestar for the time spent on the entire litigation. (E.Brancart Dec. ¶ 11.) Table 2 below reflects the total number of hours spent by Fremstad Law. (Declaration of James Teigland filed herewith [“Teigland Dec.”] ¶¶ 3-9.)

In preparing this motion, the undersigned examined Brancart & Brancart's billing

²As part of the settlement of the case the parties have agreed that plaintiffs will not oppose defendants' motion to vacate that order in light of *Karsjens*.

records and identified which hours were attributable primarily to the claims of the ADA, RLUIPA, Evaluation and Debt Classes and Subclasses and which were attributable primarily to the claims of the SOTEP Class and Juvenile Subclass or the claims against DOCR. Counsel also identified a third category of time – that which contributed to the litigation as a whole and represented work which would have been necessary even if the case did not involve the constitutional challenges on which plaintiffs did not reach a settlement in their favor. (E.Brancart Dec. ¶ 9.) Counsel then removed the time attributed primarily to the claims of the SOTEP Class and Juvenile Subclass and those against DOCR – approximately 70% of the total time. (Id.) The time on Exhibit 1 formed the basis for plaintiffs’ settlement demand and the subsequent negotiations regarding the amount to be paid for attorneys’ fees and costs based on that reduced time. (Id.)

Attached as Exhibit 1 of the Declaration of Elizabeth Brancart filed herewith are the time records for Christopher Brancart and Elizabeth Brancart reflecting the hours spent on tasks related to the claims of the ADA and RLUIPA Subclasses and Evaluation and Debt Classes or on tasks which contributed to the litigation as a whole. Those records show that Christopher Brancart spent 400.6 of his 1,400.7 hours (or 29%) on the successful claims and Elizabeth Brancart spent 719.6 of her 2,522.4 hours (or 29%) on those claims. Those adjusted hours are reflected in columns D and E of Table 1 below. (E.Brancart Dec. ¶ 9.) The time records for Fremstad Law are attached as Exhibit A to the Declaration of James Teigland filed herewith. (Teigland Dec. ¶¶ 5-9.) An adjustment to the hours worked by the professionals of Fremstad Law is not necessary since the firm’s hours were primarily spent on tasks applicable to the litigation as a whole rather than to any particular claim. (E.Brancart Dec. ¶ 9.)

Class Counsel's lodestar, adjusted as just described, is as follows:

TABLE 1
BRANCART & BRANCART LODESTAR

	A	B	C	D	E
<i>Biller</i>	<i>Hourly Rate</i>	<i>Total Hours</i>	<i>Total Lodestar</i>	<i>Adjusted Hours</i>	<i>Adjusted Lodestar</i>
Chris Brancart, Attorney	\$375	1,400.7	\$ 525,262.50	400.6	\$ 150,225.00
Elizabeth Brancart, Attorney	\$375	2,522.4	945,900.00	719.6	269,850.00
	TOTALS:	3,923.1	\$1,471,162.50	1,120.2	\$ 420,075.00

TABLE 2
FREMSTAD LAW LODESTAR

<i>Biller</i>	<i>Hourly Rate</i>	<i>Hours</i>	<i>Total</i>
Joel Fremstad, Attorney	\$335	11.0	\$ 3,685.00
James Teigland, Attorney	\$240	118.7	28,488.00
Nick Thornton, Attorney	\$300	3.0	900.00
Mark Western, Attorney	\$285	4.2	1,197.00
Paralegal/Legal Assistant	\$145	24.9	3,610.00
	TOTALS:	161.8	\$ 37,880.00

The lodestar represents a reasonable number of hours multiplied by a reasonable hourly rate.

a. Counsel spent a reasonable number of hours.

In total, Christopher Brancart and Elizabeth Brancart spent over 1,100 hours and

James Teigland, Joel Fremstad, and Fremstad Law spent over 160 hours on tasks which contributed to the successful results obtained in this the litigation. Together they seek an award of attorneys' fees and costs in the amount of \$320,000 for that work in keeping with the terms of the settlement agreement. The Court must decide whether that amount is reasonable for the results obtained on behalf of the classes. It is.

The hours included in the adjusted lodestar reflect work that was integral to obtaining written changes in the policies applicable to the Evaluation, RLUIPA and Debt Classes. (E.Brancart Dec. ¶ 12; see Motion for Preliminary Approval, ECF 687 at pp. 10-20.) In addition, the hours worked over the course of the seven years of the litigation continued to press DHS and NDSH into making numerous changes to the conditions of confinement and treatment programs for SDIs which benefitted the ADA Subclass, as well as generally benefitted the SOTEP and Juvenile Subclasses. (See Motion for Preliminary Approval, ECF 687 at pp. 24-25.)³ Early in the litigation, after filing a motion for preliminary injunction, plaintiffs also obtained NDSH's agreement to change certain written policies regarding attorney access to clients at NDSH. (See ECF 261.)

Since the fall of 2015, James Teigland has been the attorney at Fremstad Law primarily responsible for this case. Fremstad Law assisted in the litigation as local counsel in a number of ways. Mr. Teigland helped coordinate and attend the three settlement conferences before Magistrate Judge Senechal and traveled to North Dakota State Hospital and met with clients and accompanied plaintiffs' ADA expert Dr. Robin Wilson in his site inspection and class member interviews. (Teigland Dec. ¶ 3.)

³As part of the settlement agreement defendants expressly deny that this litigation had anything to do with the changes implemented at SOTEP during the pendency of the case. (ECF 687-2 at pp. 20-22 of 99.)

Mr. Teigland also worked to obtain the documents responsive to plaintiffs' subpoena to the Collection Center, Inc. pertaining to the Debt Class claims and appeared at the numerous telephonic status conferences, among other things. (Id.) He spent 118.7 hours on those matters.

The number of hours in the adjusted lodestar is reasonable because the hours relate to the claims on which plaintiffs were successful. Each entry of the 1,118 hours spent by Christopher Brancart and Elizabeth Brancart set forth in the attached time records indicate whether it was spent on the ADA, RLUIPA, Evaluation, or Debt claims, or on other aspects of the litigation leading to the success of those claims. (E.Brancart Dec. ¶ 13.) In particular, after accepting the court appointment, over the course of four months Christopher Brancart spent 68.2 hours in collecting documents and information regarding potential claims and traveling from California to North Dakota to meet with plaintiffs who had initially filed the lawsuit and other persons at NDSH who were interested in joining the case. (Id.) The Brancarts spent another 40 hours in investigating the facts supporting the ADA, RLUIPA, Evaluation and Debt claims. (Id.) A significant amount of time was spent on discovery. The Brancarts spent 126 hours in preparing discovery related to the ADA, RLUIPA, Evaluation and Debt claims and doggedly pursuing disclosure of the identity and records of SDIs maintained by NDSH. (Id.) Throughout the case, DHS and NDSH took the position that information concerning the identity and records of persons civilly committed under Chapter 25-03.3 was protected from disclosure under HIPAA and that plaintiffs were not entitled to that information without obtaining written releases from each SDI. (Id.) This position – which required Class Counsel to guess at the identity of those civilly committed at NDSH and

attempt to obtain releases from them while at the same time attempting to move to compel full disclosure by NDSH under an appropriate protective order – was extremely time consuming. (Id.)

James Teigland spent over 20 hours on motion to compel issues and another approximately 14 hours in working to obtain subpoenaed documents from Collection Center, Inc. through the meet and confer and discovery conference process.

(E.Brancart Dec. ¶ 14; Teigland Dec., Exh. A.) The CCI documents were important to resolving the Debt Class claims because they showed that NDSH was pursuing collection claims against discharged SDIs in a manner not authorized by N.D.C.C. Chapter 25-03.3. (Brancart Dec. ¶ 14.)

The Brancarts spent 76.3 and Mr. Teigland spent 6.7 hours related to litigation a motion for preliminary injunction, including an evidentiary hearing before Magistrate Judge Senechal. (E.Brancart Dec. ¶ 15; Teigland Dec., Exh. A.) As a result of that motion, NDSH agreed to make certain changes in its policies lifting and reducing certain restrictions on attorney visitation with SDI clients at NDSH. (E.Brancart Dec. ¶ 15.) Counsel spent time on the class certification motion, reduced to 69.7 hours to reflect the time reasonably allocatable to the ADA, RLUIPA, Evaluation, and Debt class certification. (Id.) Counsel spent another 77.2 hours on legal research and 76.3 hours on motion work related to the successful claims. Work on motions was increased because every motion was subject to Rule 72 appeals. (Id.) Counsel spent 71.8 hours in compiling evidence in support of the ADA, RLUIPA, Evaluation, and Debt class claims. A large portion of that time was spent in compiling “treatment timelines” based on an analysis of individual SDI’s treatment progression (or lack thereof). Those

timelines showed that SDIs with disabilities – members of the ADA Subclass – made substantially little progress in treatment and virtually never obtained a recommendation for discharge by NDSH evaluators. (Id.)

Together, Elizabeth Brancart and Christopher Brancart spent 336 hours in preparing settlement demands, responding to settlement proposals, preparing for, traveling to and attending three separate settlement conferences with Magistrate Judge Senechal, and in working closely with her and counsel for defendants since October 2017 to resolve the case, negotiating the settlement of each claim separately, including drafting and exchanging a multitude of drafts of policies, settlement documents, releases, fee demands, and preparation of class settlement approval documents through preliminary approval and on this fee motion (in part). (Brancart Dec. ¶ 15.)

James Teigland spent 27.5 hours in attending the settlement conferences and assisting with communications with the class members who appeared at those conferences. (Id.; Teigland Dec., Exh. A.) Time related to retaining ADA expert Dr. Robin Wilson and arranging for his site inspection at NDSH, interviews with SDIs, and providing him with the information necessary for his report totaled 52.8 for Brancart & Brancart and almost 16 hours for James Teigland. (Id.; Teigland Dec., Exh. A.) Other significant time included hours spent on visits to meet with clients and inspect the SOTEP unit at NDSH and associated travel, and communications with SDIs. (E.Brancart Dec. ¶ 15.)

Attorneys with the Fremstad firm also spent modest amounts of time – Mr. Fremstad in monitoring his firm’s participation in the case, approving settlement positions, and providing his knowledge and opinions as needed. (Fremstad Dec. ¶ 5.) Attorneys Nick Thornton and Mark Western also contributed small amounts of time on

specific narrow tasks within their expertise. (Teigland Dec. ¶¶ 6-7.) Fremstad Law's paralegals spent approximately 25 hours on the case, performing case management duties that Mr. Teigland otherwise would have had to perform. (Tegland Dec. ¶ 8; Exh. A.)

The number of hours making up the lodestar is also reasonable because Class Counsel has exercised billing judgment. The lodestar does not include any portion of the 200 hours spent by Brancart & Brancart's junior attorneys nor the almost 400 hours spent by Brancart & Brancart's legal assistants who took primarily responsibility for handling the (literally) hundreds of calls from the class members while confined at NDSH and after their release.⁴ (E.Brancart Dec. ¶ 16.) Nor does it contain all of the time Elizabeth Brancart spent on preparing this fee motion or that she will spend in the future preparing the motion for final approval. Nor does the table include the time Christopher Brancart will spend in traveling to North Dakota to meet with the plaintiffs to explain the terms of the settlement and answer questions, or in preparing for, traveling to, and appearing at the hearing on final approval before this Court. (Id.) Likewise, time that will be spent by Class Counsel in contacting Debt Class members and obtaining releases in exchange for payment is omitted from the table. (Id.) Nor does the time include all time spent by Fremstad Law. (Teigland Dec. ¶ 9; Fremstad Dec. ¶ 5.)

Overall, the amount of time Class Counsel spent was reasonable given the results obtained and the exercise in billing judgment.

⁴At an hourly rate of \$120 – the low end of the range for paralegals and legal assistants in Fargo (see Fremstad Dec. ¶ 8) – the 400 hours spent by Brancart & Brancart's legal assistants come to \$48,000, none of which has been included in the adjusted lodestar. (E.Brancart Dec. ¶ 16.)

b. Counsel seeks a reasonable hourly rate.

A “reasonable” hourly rate is calculated according to the prevailing market rates in the relevant community, here the District of North Dakota or Fargo. *Blum v. Stenson*, 465 U.S. 886, 895 (1984). The qualifications and experience of each attorney working on this matter are set forth in the Declarations of Christopher Brancart, Christopher Brancart, Joel Fremstad and James Teigland filed herewith.

Plaintiffs seek an hourly rate of \$375 for both Christopher Brancart and Elizabeth Brancart, each of whom have been in practice for over 30 years, primarily in the field of civil rights litigation.⁵ (See E.Brancart Dec. ¶¶ 2-6, and C.Brancart Dec. ¶¶ 3-10, setting forth qualifications.) That hourly rate is on the low end of a reasonable rate for attorneys with similar experience and comparable expertise in the Fargo legal community, (Fremstad Dec. ¶ 7), and much lower than plaintiffs’ counsel’s customary hourly rate for fee-paying clients in their home venue. (See E.Brancart Dec. ¶¶ 17; C.Brancart Dec. ¶¶ 13-14.) Mr. Fremstad hourly rate of \$340 and Mr. Teigland’s hourly rate of \$240, as well as the hourly rates of \$300 and \$285 for Mr. Thornton and Mr. Western, are also reasonable and in line with the prevailing market rates. (Teigland Dec. ¶¶ 6-7; Fremstad Dec. ¶ 6.) Those rates are the rates the Fremstad Law attorneys actually charge their fee-paying clients. (Teigland Dec. ¶¶ 4, 6-7; Fremstad Dec. ¶ 6.) Moreover, the rates

⁵In this uncontested fee motion Christopher and Elizabeth Brancart calculate their lodestar based on an hourly rate of \$375 although that rate is in the middle of the reasonable range for attorneys of their experience and expertise in this jurisdiction. The agreed upon fee award of \$320,000 would still be justified even if their hourly rates were \$325 or even \$300, which would have resulted in an adjusted lodestar of \$339,753.38. Given that the amount of the fee award has been agreed upon, plaintiffs’ counsel’s submission of this fee motion based on an hourly rate of \$375 is not intended to represent an admission that \$375 is the high end of what constitutes a reasonable hourly rate for their services.

sought by Class Counsel are in keeping with the range of hourly rates most recently found to be reasonable in the District of North Dakota.

For example, in August 2019 Judge Hovland observed in *North Dakota Farm Bureau, Inc. v. Stenehjem*, No. 1:16-cv-2018, 2019 WL 4045643, *5 (D.N.D. Aug. 27, 2019), that “[b]ased on the Court’s 40 years of experience in North Dakota as an attorney in private practice and as a federal judge, hourly rates for associates in the \$200-\$300 range and \$300-\$425 range for partners are not unusual or unreasonable.” *Farm Bureau* involved a successful constitutional challenge to North Dakota’s Corporate Farming Law brought under 42 U.S.C. § 1983, a type of challenge that “requires skilled legal counsel.” *Id.* at *4. In November 2018, the district court relied on *Farm Bureau* to find that hourly rates of \$425 for a partner and \$250 for an associate were reasonable in a successful Title VII employment discrimination action. *Roswick v. Mid Dakota Clinic, P.C.*, No. 17-44 ADM/ARS, 2019 WL 5964533, *13 (D.N.D. Nov. 13, 2019).

D. The Lodestar is Reasonable under the *Johnson* Factors.

There is a “strong presumption” that the lodestar figure represents the reasonable fee to be awarded. *U.S. ex rel. Thompson v. Walgreen Co.*, 621 F. Supp. 2d 710, 713 (D. Minn. 2009) (citing *City of Burlington v. Dague*, 505 U.S. 557,562 (1992)). The Court, however, may adjust the lodestar amount up or down on the basis of the results obtained and the factors identified in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974), although many of those factors are already subsumed in the calculation of the lodestar. *Hensley v. Eckerhart*, 461 U.S. 424, 434 n.9 (1983). Here, Class Counsel has agreed to accept an amount which is less than

their lodestar, but examination of the *Johnson* factors supports awarding the full amount of \$320,000.

The *Johnson* factors include (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the attorney's preclusion of other employment due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) the time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the "undesirability" of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Johnson*, 488 F.2d at 717-19. In this case, factors (1), (2), (3), (8) and (9) are already taken into account in the lodestar calculation of the reasonableness of the number of hours expended and the hourly rate.

1. *The results obtained*

This litigation has resulted in a significant non-pecuniary benefit being conferred on the class of persons currently residing at SOTEP as civil committees or on evaluation status and those who in the future may reside there as civil committees or on evaluation status. It also benefits persons discharged from SOTEP, requiring NDSH to stop using collection agencies to obtain judgments against SDIs without first obtaining the required court order finding that they have the ability to pay. (E.Brancart Dec. ¶ 19.)

2. *The "undesirability" of the case*

The case had a high level of "undesirability" both because of the subject matter and because of the difficult issues and contingent nature of payment. As stated by Mr. Fremstad, when Judge Erickson and Magistrate Judge Klein asked him to take on the

appointment he reached out to multiple other Fargo attorneys to locate co-counsel with more resources and experience to assist. He was unsuccessful in finding any local attorneys willing to assist on the case. (Fremstad Dec. ¶ 7.) During the course of the case, Mr. Brancart reached out to the ACLU of North Dakota and Protection and Advocacy, as well as to consumer attorneys with respect to the debt class issues, but none were interested in co-counseling. (E.Brancart Dec. ¶ 20.) On two occasions Brancart & Brancart applied to The Impact Fund – a civil rights class action non-profit – to obtain a litigation grant to help defray costs associated with the litigation. (Id.) Although the Impact Fund had previously made grants to Brancart & Brancart, including in the *Roubidoux v. North Dakota Department of Corrections* case challenging the conditions of confinement for female inmates, it was unwilling to help fund a sex offender class action. (Id.)

3. The contingent nature of the case

The contingent nature of the case also made it undesirable. The issues were extremely complex and DHS and NDSH defended vigorously. Virtually every advance in the case made by plaintiffs was through hard fought litigation. For instance, in other cases challenging state sex offender civil commitment the state did not oppose class certification or object to providing the names and documents related to the class members. (E.Brancart Dec. ¶ 21.) In this case, plaintiffs had to engage in substantial litigation to obtain both. (Id.) Class Counsel's sole source of payment for work performed on this case is by way of the attorneys' fees approved by the Court. (E.Brancart Dec. ¶ 22; Fremstad Dec. ¶ 9.) That is the customary fee arrangement in civil rights cases. (E.Brancart Dec. ¶ 22.) Obtaining a fee award in this case for Class

Counsel was possible only by obtaining a favorable settlement. Class counsel has received no payment for any work performed on this case although the litigation has lasted over seven years.⁶ (E.Brancart Dec. ¶ 22.) Counsel did not have prior attorney-client relationships with the plaintiffs. (Id.) The work required for this case precluded Class Counsel's work on matters that were less complex and with a shorter litigation lifespan which, by their nature, would have resulted in more rapid payment. Instead counsel worked on this case for years without payment, unable to work on matters that would have resulted in payment. (Id.)

4. Awards in similar cases

There are no comparable fee awards in the similar sex offender civil commitment cases in the Eighth Circuit as none were ultimately successful. Brancart & Brancart obtained a fee award in a federal Fair Housing Act class action in 2012 in this Court. Judge Erickson approved an uncontested fee award of \$204,586 in connection with the final approval of the settlement in *Fair Housing of the Dakotas, Inc. v. Goldmark Property Management, Inc.*, No. 3:09-cv-58 (D.N.D. Dec. 20, 2012), ecf 325, 334. That case involved three years of litigation challenging fees charged to disabled tenants with emotional support animals. (E.Brancart Dec. ¶ 23.)

All of these *Johnson* factors support the reasonableness of the lodestar and the reasonableness of the fee award sought as part of the settlement of this class action.

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⁶Class counsel did receive approval from the Court for reimbursement of \$1,030.00 from the Court's Non Appropriated District Court Fund for amounts expended on obtaining reporter's transcripts of several discovery hearings. (E.Brancart Dec. ¶ 22.)

E. Class Counsel also Seeks Costs.

In addition to the attorneys' fees, Class Counsel incurred costs and expenses in litigating this action that are part of a reasonable fee award. 42 U.S.C. §§ 1988(b), 12205. The ADA provides for an award of expert fees as well. *Ass'n of Disabled Americans v. Neptune Designs, Inc.*, 469 F.3d 1357, 1361 (11th Cir. 2006); *Lovell v. Chandler*, 303 F.3d 1039, 1058 (9th Cir. 2002). As set forth in the attached declarations, Brancart & Brancart seeks \$40,535.57 in costs and expenses:

- Travel costs: \$9,448.39
- Payment to ADA expert Dr. Robin Wilson: \$20,893.18
- Westlaw and database research (Accurint) charges: \$10,194.00 (representing 30% of \$33,979.00, the total incurred)

(E.Brancart Dec. ¶ 24.) Fremstad Law seeks \$283.20 in costs related to service of the summons and complaint. (Teigland Dec. ¶ 11.)

CONCLUSION

Because the reasonable lodestar and costs and expenses sought by Class Counsel far exceed the negotiated fee payment of \$320,000, that proposed fee award

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is reasonable and should be approved by the Court in connection with the final approval of the class action settlement.

Dated: August 21, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, on August 21, 2020, I served by email via ECF a copy of the attached document – **MOTION FOR ATTORNEYS' FEES AND COSTS; DECLARATION OF ELIZABETH BRANCART IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS; DECLARATION OF CHRISTOPHER BRANCART IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS; DECLARATION OF JOEL FREMSTAD IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS; DECLARATION OF JAMES TEIGLAND IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS** – upon the following attorneys:

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**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

RODNEY J. IRELAND, et al.,)	Case No. 3:13-CV-0003-PDW-ARS
)	
Plaintiffs,	)	DECLARATION OF ELIZABETH
	)	BRANCART IN SUPPORT OF MOTION
vs.	)	FOR ATTORNEYS' FEES AND COSTS
)	
CHRISTOPHER D. JONES, etc.,)	
et al,)	
)	
Defendants.)	
)	

1. I am an attorney in good standing who is licensed to practice in the State of California and before this Court. I have personal knowledge of the matters set forth herein, and if called to testify, would and could competently testify to them.

Qualifications and Experience

2. I graduated from the University of California, Boalt Hall School of Law in 1985. I clerked for the Honorable Vincent L. McKusick, the Chief Justice of the Maine Supreme Judicial Court, from 1985 to 1986.

3. From 1986 to 1989, I worked as an associate in the Orange County office of the law firm of Latham & Watkins, where I worked primarily on business litigation cases in federal and state court. In 1989, I went into private practice with my husband Christopher Brancart. From that time until 1994, my practice consisted entirely of appellate work on behalf of indigent criminal defendants before the Ninth Court, the California Supreme Court and California Courts of Appeal.

4. Between 1989 and 1994 I represented appellants in a numerous federal and state cases, including the en banc proceedings in *United States v. Tucker*, 8 F.3d 673 (9th Cir. 1993), and the cases *United States v. Coleman*, 24 F.3d 37 (9th Cir.

1994), *United States v. Mena*, 925 F.2d 354 (9th Cir. 1991), and *United States v. Gomez-Norena*, 908 F.2d 497 (9th Cir. 1990).

5. Since 1994, my practice has been primarily fair housing litigation. My focus is appellate and motion work before the lower state and federal courts. I have been lead counsel in a number of cases in favor of plaintiff-appellants under the federal Fair Housing Act. See *Avenue 6E Investments, LLC v. City of Yuma*, 818 F.3d 493 (9th Cir. 2016), cert. denied, 2016 WL 3486062 (Oct. 11, 2016); *Pacific Shores Properties, LLC v. City of Newport Beach*, 730 F.3d 1142 (9th Cir.), cert denied, No. 13-1133 (U.S. Nov. 3, 2014); *Reed v. Penasquitos Casablanca Owners's Association*, 381 Fed. Appx. 674 (9th Cir. 2010); *Giebler v. M&B Associates*, 343 F.3d 1143 (9th Cir. 2003); *Harris v. Itzhaki*, 183 F.3d 1043 (9th Cir. 1999); and, *Gilligan v. Jamco Development Corp.*, 108 F.3d 246 (9th Cir. 1997). In 2002, I was counsel of record and co-wrote the brief for respondent before the Supreme Court in *Meyer v. Holley*, 537 U.S. 280 (2003), an appeal from *Holley v. Crank*, 258 F.3d 1127 (9th Cir. 2001), in which I successfully represented the plaintiffs-appellants before the Ninth Circuit. Although respondents lost in the Supreme Court, on remand the Ninth Circuit again ruled in favor of plaintiffs-appellants in *Holley v. Crank*, 400 F.3d 667 (9th Cir. 2005). I also represented appellant in *Sisemore v. Master Financial, Inc.*, 151 Cal. App. 4th 1386 (2007), extending disparate impact and standing doctrines from the Fair Housing Act to the substantially equivalent California Fair Employment and Housing Act.

6. I have lectured on fair housing law and litigation, including motions and appeals, for advocates and lawyers in California at a number of state-wide trainings in

San Diego, Berkeley, San Francisco, and San Jose, at the 2003 and 2008 HUD regional fair housing trainings in San Diego, California and Atlanta, Georgia, and the 2015 National Fair Housing Alliance In-Service Training in Baltimore, Maryland. I have also served as a judge for the Stanford Law School moot court competition, where the moot court case for a number of years has been based on our firm's Ninth Circuit case *Giebeler v. M&B Associates*, 343 F.3d 1143 (9th Cir. 2003). I am the co-author, along with my partner Liza Cristol-Deman, of the first chapter, "Proper Defendants – Who May be Liable," of the Rutter Group publication *California Fair Housing and Public Accommodations*, released in November 2014, covering the California Fair Employment and Housing Act's fair housing provisions.

7. In 2004, the Law Foundation of Silicon Valley awarded Brancart & Brancart the Honorable Robert F. Peckham Award for Outstanding Public Interest Litigation. The Law Foundation award was based, in part, on Brancart & Brancart's success in the multi-year litigation of *Giebeler v. M&B Associates*, Case No. C-98-20405 RMW JF. Our firm has twice been the recipient of the Kerstin Arusha Award in memory of the former directing attorney of the Fair Housing Law Project, part of the Law Foundation of Silicon Valley, recognizing contributions to the field of fair housing.

Work on this case

8. In preparing this motion I ran all of the time spent by our firm on this case since 2013. Christopher Brancart spent 1,400.7 hours and I spent 2,522.4 hours. Our junior attorneys Thomas Kayes and Megan Hamlin spent approximately 200 hours and our legal assistance spent approximately 400 hours.

9. I then examined all of Brancart & Brancart's billing records and identified

which hours were attributable primarily to the claims of the ADA, RLUIPA, Evaluation and Debt Classes and Subclasses and which were attributable primarily to the claims of the SOTEP Class and Juvenile Subclass or the claims against DOCR. I also identified a third category of time – that which contributed to the litigation as a whole and represented work which would have been necessary even if the case did not involve the constitutional challenges on which plaintiffs did not reach a settlement in their favor. I then removed the time attributed primarily to the claims of the SOTEP Class and Juvenile Subclass and those against DOCR – approximately 70% of the total time. A similar adjustment to the hours worked by the professionals of Fremstad Law is not necessary since the firm's hours were primarily spent on tasks applicable to the litigation as a whole rather than to any particular claim.

10. Attached hereto as Exhibit 1 is a true and correct summary of the time spent by Christopher Brancart and myself on this matter since 2013. The time set forth in Exhibit 1 attached hereto reflects the hours spent by Christopher Brancart and me on tasks related to the claims of the ADA and RLUIPA Subclasses and Evaluation and Debt Classes or on tasks which contributed to the litigation as a whole. That time served as the basis for plaintiffs' settlement demand for fees and the parties' negotiation of the amount to be paid to Class Counsel in connection with the settlement of this action. That summary was created from our contemporaneous time entries input on a daily basis throughout our work on this litigation. I have reviewed and edited the entries contained on Exhibit 1, making sure that all the work contained therein was accurately recorded and that no unnecessary or redundant work was included.

11. Our time records show that Christopher Brancart spent 400.6 of his

1,400.7 hours (or 29%) on the successful claims and that I spent 719.6 of my 2,522.4 hours (or 29%) on those claims. The total hours spent are reflected in columns B and C of Table 1 below and the amounts spent on the successful claims are reflected in columns D and E.

TABLE 1

	A	B	C	D	E
<i>Biller</i>	<i>Hourly Rate</i>	<i>Total Hours</i>	<i>Total Lodestar</i>	<i>Adjusted Hours</i>	<i>Adjusted Lodestar</i>
Chris Brancart, Attorney	\$375	1,400.7	\$ 525,262.50	400.6	\$ 150,225.00
Elizabeth Brancart, Attorney	\$375	2,522.4	945,900.00	719.6	269,850.00
	<i>TOTALS:</i>	3,923.1	\$1,471,162.50	1,120.2	\$ 420,075.00

12. The hours included in the adjusted lodestar in column D reflect work that was integral to obtaining written changes in the policies applicable to the Evaluation, RLUIPA and Debt Classes. (See Motion for Preliminary Approval, ECF 687 at pp. 10-20.) In addition, the hours worked over the course of the seven years of the litigation continued to press DHS and NDSH into making numerous changes to the conditions of confinement and treatment programs for SDIs which benefitted the ADA Subclass, as well as generally benefitted the SOTEP and Juvenile Subclasses. (See Motion for Preliminary Approval, ECF 687 at pp. 24-25.)¹ Early in the litigation, after filing a motion

¹As part of the settlement agreement defendants expressly deny that this litigation had anything to do with the changes implemented at SOTEP during the

for preliminary injunction, plaintiffs also obtained NDSH's agreement to change certain written policies regarding attorney access to clients at NDSH. (See ECF 261.)

13. Each entry of the 1,118 hours spent by Christopher Brancart and me set forth in Exhibit 1 indicates whether it was spent on the ADA, RLUIPA, Evaluation, or Debt claims, or on other aspects of the litigation leading to the success of those claims. In particular, after accepting the court appointment, over the course of four months Christopher Brancart spent 68.2 hours in collecting documents and information regarding potential claims and traveling from California to North Dakota to meet with plaintiffs who had initially filed the lawsuit and other persons at NDSH who were interested in joining the case. Mr. Brancart and I spent another 40 hours in investigating the facts supporting the ADA, RLUIPA, Evaluation and Debt claims. We also spent a significant amount of time on discovery – 126 hours in preparing discovery related to the ADA, RLUIPA, Evaluation and Debt claims and doggedly pursuing disclosure of the identity and records of SDIs maintained by NDSH. Throughout the case, DHS and NDSH took the position that information concerning the identity and records of persons civilly committed under Chapter 25-03.3 was protected from disclosure under HIPAA and that plaintiffs were not entitled to that information without obtaining written releases from each SDI. That position – which required us to guess at the identity of those civilly committed at NDSH and attempt to obtain releases from them while at the same time attempting to move to compel full disclosure by NDSH under an appropriate protective order – was extremely time consuming.

pendency of the case. (ECF 687-2 at pp. 20-22 of 99.)

14. Our co-counsel James Teigland with Fremstad Law spent over 20 hours on motion to compel issues and another approximately 14 hours in working to obtain subpoenaed documents from Collection Center, Inc. through the meet and confer and discovery conference process. The CCI documents were important to resolving the Debt Class claims because they showed that NDSH was pursuing collection claims against discharged SDIs in a manner not authorized by N.D.C.C. Chapter 25-03.3.

15. Christopher Brancart and I spent 76.3 and Mr. Teigland spent 6.7 hours related to litigation a motion for preliminary injunction, including an evidentiary hearing before Magistrate Judge Senechal. As a result of that motion, NDSH agreed to make certain changes in its policies lifting and reducing certain restrictions on attorney visitation with SDI clients at NDSH. We spent time on the class certification motion, reduced to 69.7 hours to reflect the time reasonably allocatable to the ADA, RLUIPA, Evaluation, and Debt class certification. We spent another 77.2 hours on legal research and 76.3 hours on motion work related to the successful claims. Work on motions was increased because every motion was subject to Rule 72 appeals. We spent 71.8 hours in compiling evidence in support of the ADA, RLUIPA, Evaluation, and Debt class claims. A large portion of that time was spent in compiling “treatment timelines” based on an analysis of individual SDI’s treatment progression (or lack thereof). Those timelines showed that SDIs with disabilities – members of the ADA Subclass – made substantially little progress in treatment and virtually never obtained a recommendation for discharge by NDSH evaluators. Together, Christopher Brancart and I spent 336 hours in preparing settlement demands, responding to settlement proposals, preparing for, traveling to and attending three separate settlement conferences with Magistrate

Judge Senechal, and in working closely with her and counsel for defendants since October 2017 to resolve the case, negotiating the settlement of each claim separately, including drafting and exchanging a multitude of drafts of policies, settlement documents, releases, fee demands, and preparation of class settlement approval documents through preliminary approval and on this fee motion (in part). James Teigland spent 27.5 hours in attending the settlement conferences and assisting with communications with the class members who appeared at those conferences. Time related to retaining ADA expert Dr. Robin Wilson and arranging for his site inspection at NDSH, interviews with SDIs, and providing him with the information necessary for his report totaled 52.8 for Brancart & Brancart and almost 16 hours for James Teigland. Other significant time included hours spent on visits to meet with clients and inspect the SOTEP unit at NDSH and associated travel, and communications with SDIs.

16. The number of hours making up the lodestar is also reasonable because we have exercised billing judgment. The lodestar does not include any portion of the 200 hours spent by our firm's junior attorneys nor the almost 400 hours spent by our legal assistants who took primarily responsibility for handling the (literally) hundreds of calls from the class members while confined at NDSH and after their release.² Nor does it contain all of the time I spent on preparing this fee motion or that I will spend in the future preparing the motion for final approval. Nor does the table include the time Christopher Brancart will spend in traveling to North Dakota to meet with the plaintiffs to

²At an hourly rate of \$120 – the low end of the range for paralegals and legal assistants in Fargo – the 400 hours spent by our legal assistants come to \$48,000, none of which has been included in the adjusted lodestar.

explain the terms of the settlement and answer questions, or in preparing for, traveling to, and appearing at the hearing on final approval before this Court. Likewise, time that will be spent by our office in contacting Debt Class members and obtaining releases in exchange for payment is omitted from the table.

Hourly Rate Sought

17. As of January 1, 2018 my hourly rate is \$600 to \$650 in matters in which the firm bills an hourly rate, depending on the matter. The overwhelming bulk of our practice, however, is based on awards under the federal and state civil rights fee-shifting statutes. Most of our clients are lower income persons or non-profit organizations that cannot afford to pay out-of-pocket to pursue federal litigation. Plaintiffs seek an hourly rate of \$375 for my time spent on this case.

18. I have also been awarded the following hourly rates in fair housing cases, although most of the cases I have been involved in the past ten years settled without the need for a formal motion:

- \$450 per hour (as requested in an uncontested default prove up) for work performed in 2016-17 by Judge William T. Lawrence of this district in *Fair Housing Center of Central Indiana, Inc. v. Smitley*, 2018 WL 3237860 at *3, No. 1:16-cv-880-WTL-DML (July 3, 2018)
- \$450 per hour for work performed in 2012 in Superior Court for Santa Clara County, California, in *The Jam Limited Partnership v. Martin Perez*, Case No. 112-CV-226399 (11/30/12);
- \$400 per hour for work performed in 2008-2009 by Judge Percy

Anderson in the Central District of California in *Fair Housing Council of San Fernando Valley v. Roommate.com, LLC*, CV 03-0386-PA

(5/11/2009); and,

- \$350 per hour for work performed in 2005-2007 by Judge Larry Burns in the Southern District of California in *Fair Housing Council of San Diego v.*

Penasquitos Casablanca Owners Assoc., Case No. CV 05-0072

(11/26/07, S.D. Cal.).

Johnson Factors

19. This litigation has resulted in a significant non-pecuniary benefit being conferred on the class of persons currently residing at SOTEP as civil committees or on evaluation status and those who in the future may reside there as civil committees or on evaluation status. It also benefits persons discharged from SOTEP, requiring NDSH to stop using collection agencies to obtain judgments against SDIs without first obtaining the required court order finding that they have the ability to pay.

20. The case had a high level of “undesirability” both because of the subject matter and because of the difficult issues and contingent nature of payment. During the course of the case, our office reached out to the ACLU of North Dakota and Protection and Advocacy, as well as to consumer attorneys with respect to the debt class issues, but none were interested in co-counseling. On two occasions we applied to The Impact Fund – a civil rights class action non-profit – to obtain litigation grants to help defray costs associated with the litigation. Although the Impact Fund had previously made grants to Brancart & Brancart, including in the *Roubideaux v. North Dakota Department*

of Corrections case challenging the conditions of confinement for female inmates, it was unwilling to help fund a sex offender class action.

21. The contingent nature of the case also made it undesirable. The issues were extremely complex and DHS and NDSH defended vigorously. Virtually every advance in the case made by plaintiffs was through hard fought litigation. For instance, in other cases challenging state sex offender civil commitment the states did not oppose class certification or object to providing the names and documents related to the class members. In this case, plaintiffs had to engage in substantial litigation to obtain both.

22. Our firm's sole source of payment for work performed on this case is by way of the attorneys' fees approved by the Court.³ That is the customary fee arrangement in civil rights cases. Obtaining a fee award in this case was possible only by obtaining a favorable settlement. We have received no payment for any work performed on this case although the litigation has lasted over seven years.⁴ We did not have prior attorney-client relationships with the plaintiffs. Unlike the usual case, the work required for this case precluded us from working on matters that were less complex and with a shorter litigation life span which, by their nature, would have resulted in more rapid payment. Instead we worked on this case for years without

³Our firm did receive approval from the Court for reimbursement of \$1,030.00 from the Court's Non Appropriated District Court Fund for amounts expended on obtaining reporter's transcripts of several discovery hearings.

⁴Class counsel did receive approval from the Court for reimbursement of \$1,030.00 from the Court's Non Appropriated District Court Fund for amounts expended on obtaining reporter's transcripts of several discovery hearings.

payment, unable to devote time to matters that would have resulted in faster payment.

23. There are no comparable fee awards in the similar sex offender civil commitment cases in the Eighth Circuit as none were ultimately successful. Brancart & Brancart obtained a fee award in a federal Fair Housing Act class action in 2012 in this Court. Judge Erickson approved an uncontested fee award of \$204,586 in connection with the final approval of the settlement in *Fair Housing of the Dakotas, Inc. v. Goldmark Property Management, Inc.*, No. 3:09-cv-58 (D.N.D. Dec. 20, 2012), ecf 325, 334. That case involved three years of litigation challenging fees charged to disabled tenants with emotional support animals.

Costs

24. Our office incurred costs and expenses in litigating this action. Brancart & Brancart seeks \$40,535.57 in costs and expenses:

- Travel costs: \$9,448.39
- Payment to ADA expert Dr. Robin Wilson: \$20,893.18
- Westlaw and database research (Accurint) charges: \$10,194.00 (representing 30% of \$33,979.00, the total incurred)

Each of those costs and expenses were actually and necessarily incurred in the litigation of this case and each has already been paid.

25. Notice of the proposed payment of attorneys' fees and costs was included in the Class Notice timely mailed to the Absent Class Members. A copy of this fee motion will also be placed on each unit at SOTEP at NDSH so that class members may review it prior to the expiration of the objection deadline.

* * *

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

Executed on August 21, 2020, at Pescadero, California.

/s/ Elizabeth Brancart

Elizabeth Brancart

EXHIBIT 1

A		B		C		D		E		F	
Date	Task	Time	Attny	Time Attributed To	Task Category						
1	6/3/2013	Phone call with Magistrate Judge Klein re case and court appointment to represent plaintiffs	0.3	CB	Initial Case Review	Initial Case Review				Initial Case Review	
2	6/5/2013	Prepare letter to NDSH re setting up conference with	0.3	CB	Initial Case Review	Initial Case Review				Initial Case Review	
3	6/7/2013	Prepare email to Magistrate Judge Klein re case status	0.2	CB	Initial Case Review	Initial Case Review				Initial Case Review	
4	6/10/2013	Prepare letter to NDSH re conference with clients	0.3	CB	Initial Case Review	Initial Case Review				Initial Case Review	
5	6/14/2013	Conference with Elizabeth Brancart re accepting court appointment; phone call with co-counsel Joel Fremstad; phone call with Magistrate Judge Klein re	0.9	CB	Initial Case Review	Initial Case Review				Initial Case Review	
6											
7	6/22/2013	Prepare public records requests to NDSH, DOCR and DHS re records regarding SDIs and plaintiffs	1.9	CB	Initial Case Review	Initial Case Review				Initial Case Review	
8	6/30/2013	Prepare letters to clients and SDIs regarding release	0.8	CB	Initial Case Review	Initial Case Review				Initial Case Review	
9	7/7/2013	Review records from plaintiffs and other SDIs	0.7	CB	Initial Case Review	Initial Case Review				Initial Case Review	
10	7/15/2013	Prepare letters to DOCR, NDSH and DHS regarding SDI documents; prepare memo re SDI releases; review releases obtained; review letters from SDIs regarding	1.2	CB	Initial Case Review	Initial Case Review				Initial Case Review	
11	7/18/2013	Prepare status report to Magistrate Judge Klein	0.3	CB	Initial Case Review	Initial Case Review				Initial Case Review	
12	7/23/2013	Review letters and documents from plaintiffs and SDIs; review releases and prepare follow-up letter to DSH and NDSH re same; Prepare letter to SDIs regarding records authorizations; legal research re North Dakota public records act requirements for	3.1	CB	Initial Case Review	Initial Case Review				Initial Case Review	
13	7/26/2013	Prepare letter to NDSH re additional releases	0.5	CB	Initial Case Review	Initial Case Review				Initial Case Review	
14	7/30/2013	Review letter from SDI Maurice T. and documents; prepare letter in response and letter to DHS re	0.6	CB	Initial Case Review	Initial Case Review				Initial Case Review	
15	8/2/2013	Phone call interview with SDI Joshua K. re claims; prepare memo to file re same	1.2	CB	Evaluation	Evaluation				Initial Case Review	
16	8/21/2013	Review docs from SDIs; Prepare follow-up letter to DHS re documents; Prepare second status report to file with court; Prepare memo re docs from SDIs	2.2	CB	Initial Case Review	Initial Case Review				Initial Case Review	
17	10/2/2013	Prepare for NDSH trip; Review email from attorney Leer and Prepare mail to same; prepare request to visit NDSH; Prepare third status report to Magistrate	3.4	CB	Initial Case Review	Initial Case Review				Initial Case Review	

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	10/8/2013	Review documents from NDSH to prepare for client visit; prepare memo to file re same	4.2	CB	Initial Case Review	Initial Case Review
18	10/9/2013	Travel Pescadero to Fargo for client visit	9.5	CB	Client Visit	Travel/Client Visit
19	10/10/2013	Conduct onsite interviews of SDIs at NDSH; revise questionnaire for use for interviewing SDIs	13.3	CB	Client Visit	Client Visit/initial case review
20	10/10/2013	Travel from Fargo to Jamestown	1.5	CB	Client Visit	Travel/Client Visit
21	10/11/2013	Conduct onsite interviews of SDIs at NDSH	11	CB	Client Visit	Client Visit
22	10/11/2013	Return travel Jamestown to Fargo (1.5)	1.5	CB	Client Visit	Travel/Client Visit
23	10/12/2013	Travel Fargo to Pescadero	8.5	CB	Client Visit	Travel/Client Visit
24	10/19/2013	Prepare fourth status report to Magistrate Judge	0.3	CB	Initial Case Review	Initial Case Review
25	10/29/2013	Prepare fifth status report to Magistrate Judge Klein	0.2	CB	Initial Case Review	Initial Case Review
26	11/17/2013	Legal research re application of ADA to NDSH; Prepare letter former employee re conditions	4.4	CB	ADA	Legal Research
27	12/12/2013	Legal research re claims and facts for second amended complaint; Review email from co-counsel re same and defense counsel motion to dismiss	2.9	CB	RLUIPA; ADA	Legal Research
28	1/3/2014	Revise allegations re ADA; Legal research re naming defendants and plaintiffs	1.1	CB	ADA	Legal Research
29	1/4/2014	Legal research re Turtle Mountain religious practice	3.3	CB	RLUIPA	Legal Research
30	1/5/2014	Legal research re subclasses; Legal research re RLUIPA; Legal research re other SDI religious practices	4.8	CB	RLUIPA	Legal Research
31	1/6/2014	Conference with Megan Hamlin re documenting client enrollment in Turtle Mountain tribe	0.2	CB	RLUIPA	Investigation
32	1/6/2014	Revise second amended complaint reflecting clients' input; revise plaintiffs' application re extension to oppose motion to dismiss; Legal research re naming defendants under ADA and RLUIPA; revise definitions	3.7	CB	RLUIPA; ADA	Legal Research/ Amending Pleadings
33	1/18/2014	Olmstead and less restrictive alternative legal	2.1	CB	ADA	Legal Research
34	1/20/2014	Revise second amended complaint; revise motion to amend complaint; Legal research re RLUIPA claim; Legal research re scope of ADA allegations; draft revised part of second amended complaint	6.2	CB	RLUIPA; ADA	Legal Research/ Amending Pleadings
35						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	2/4/2014	Phone call with ND Protection and Advocacy re complaint status; Prepare email to same re case	0.5	CB	ADA	Investigation
36	2/26/2014	Prepare letter to client re recds disclosure; Review docs by Bureau of Indian Affairs re enrollment status	0.3	CB	RLUIPA	Investigation
37	3/1/2014	Review docs from Department of Interior re SDI tribal enrollment status	0.2	CB	RLUIPA	Investigation
38	3/5/2014	Review and revise opposition to motion to dismiss re second amended complaint; Legal research and	1.3	CB	ADA	Motions
39	3/14/2014	Conference with Protection and Advocacy re treatment billing claim	0.3	CB	Debt	Investigation
40	3/14/2014	Prepare letter to ACLU re treatment billing claim	0.9	CB	Debt	Investigation
41	9/28/2014	Prepare request for admissions re ADA; Legal	0.8	CB	ADA	Discovery
42	9/28/2014	Prepare interrogatory set number 4 re ADA	0.3	CB	ADA	Discovery
43	9/29/2014	Revise and serve request for admissions and interrogatory 9 re ADA	0.4	CB	ADA	Discovery
44	3/31/2015	Prepare interrogatory answers	0.9	CB	RLUIPA; ADA	Discovery
45	4/3/2015	Prepare and revise interrogatory answers; review responses by plaintiffs	2.2	CB	RLUIPA; ADA	Discovery
46	4/6/2015	Prepare memo to legal assistant Kyle Schneider re supplemental interrogatory answers	0.3	CB	RLUIPA; ADA	Discovery
47	4/7/2015	Conference with Kyle Schneider re supplemental interrogatory responses	0.3	CB	RLUIPA; ADA	Discovery
48	4/27/2015	Draft second request for production re billing (interrogatories nos. 22-26)	1	CB	Debt	Discovery
49	5/20/2015	Conference with Elizabeth Brancart and Kyle Schneider re supplemental answers to discovery	0.4	CB	RLUIPA; ADA	Discovery
50	5/24/2015	Prepare memo to Kyle Schneider re follow-up on supplemental discovery answers	0.5	CB	RLUIPA; ADA	Discovery
51	8/16/2015	Conference with Elizabeth Brancart re joint status report and follow-up discovery	0.3	CB	Case Management	Case Management

A		B		C		D		E		F	
	Date	Task	Time	Attny	Time Attributed To	Task Category					
1	8/16/2015	Review prelim injunction docs; Review email from Kyle Schneider re SDIs attending hearing; Prepare outline re preliminary injunction hearing	2.7	CB	Access to Courts	Prelim Inj					
53											
54	8/17/2015	Prepare for preliminary injunction hearing	6.8	CB	Access to Courts	Prelim Inj					
55	8/17/2015	Travel from Pescadero to ND for preliminary injunction hearing and site visit to NDSH	8	CB	Client Visit/Access to Courts	Travel/Preliminary Injunction/Client & Site Visit					
56	8/18/2015	Prepare for Preliminary injunction hearing; Phone call with witnesses and outline testimony; Phone Conference with Elizabeth Brancart re Jon Neishem	5.1	CB	Access to Courts	Prelim Inj					
57	8/18/2015	Attend preliminary injunction hearing 10 am to 3:30 and status conference	5.5	CB	Access to Courts	Prelim Inj					
58	8/18/2015	Travel to Jamestown for NDSH site visit; Prepare for site visit	3.5	CB	Client Visit/Site Visit	Travel/Client Visit/Site Visit					
59	8/19/2015	Interview SDIs and conduct site visit 10-7	9	CB	Client Visit/Site Visit	Investigation					
60	8/19/2015	Prepare memo and notes, sorting site photographs and interviews	3	CB	Client Visit/Site Visit	Investigation					
61	8/20/2015	Prepare for SDI interviews; SDI interviews	6	CB	Client Visit	Prelim Inj					
62	8/20/2015	Travel from Fargo to Pescadero	10	CB	Client Visit/Access to Courts	Travel/Prelim Inj/Site Visit					
63	8/21/2015	Prepare letter to SDIs re visit and follow-up; Prepare letter to Bureau of Indian Affairs re enrollment data	1.5	CB	RLUIPA/Client Visit	Investigation					
64	9/22/2015	Conference with Elizabeth Brancart re Report and Recommendation and motion to amend complaint; Review and revise motion to amend; Phone call with SDI re bill re motion to amend	1.1	CB	Debt	Motions					
65	9/22/2015	Review defense counsel term sheet re preliminary injunction; Prepare email to Kyle Schneider to follow-up with court reporter for transcript	0.8	CB	Access to Courts	Prelim Inj					

A		B		C	D	E	F
Date	Task	Time	Attny	Time Attributed To	Task Category		
1	10/2/2015	Review defense counsel comments on preliminary injunction agreement; Review reporter's transcript re hrg; Prepare draft joint status report re preliminary Injunction terms and email to AG Doug Bahr	2.5	CB	Access to Courts	Prelim Inj	
66	11/16/2015	Phone call with SDJ Gores: Prepare letter to Gores re billing; Prepare request for production of documents	1.1	CB	Debt	Investigation	
67	11/17/2015	Review letter from SDI re bankruptcy filing due to	0.2	CB	Debt	Investigation	
68	12/16/2015	Conference with Elizabeth Brancart re discovery order and need to prepare Rule 72 appeal	0.3	CB	Releases/HIPAA Objection	Motions - Rule 72	
69	12/17/2015	Phone call with SDJ Anderson re declaration to appeal Magistrate Judge's discovery order; Prepare outline	1.7	CB	Releases/HIPAA Objection	Motions - Rule 72	
70	12/18/2015	Phone call with SDIs re declaration to file in support of appeal of Magistrate Judge discovery order re	2.1	CB	Releases/HIPAA Objection	Motions - Rule 72	
71	12/21/2015	Followup call with Whitetail re RLUIPA claims	0.4	CB	RLUIPA	Investigation	
72	12/21/2015	Phone call with Whitetail re discovery orders;	3.4	CB	RLUIPA/HIPAA objection	Motions - Rule 72	
73	12/28/2015	Conference with legal assistant Martha Letchinger re	1.1	CB	RLUIPA	Investigation	
74	12/28/2015	Phone call with Whitetail re declaration; Prepare letter to Bureau of Indian Affairs re tribal enrollment	0.7	CB	RLUIPA	Investigation	
75	12/28/2015	Review draft Whitetail declaration re religious freedom; Prepare email to Martha Letchinger re	0.7	CB	RLUIPA	Investigation	
76	12/28/2015	Phone call with Hinson and Anderson re declarations; revise declarations	1.4	CB	Releases/HIPAA Objection	Motions-Rules 72	
77	12/29/2015	Review and revise FRCP 72 appeal re Magistrate Judge order re privacy and scope of discovery	1	CB	Releases/HIPAA Objection	Motions - Rule 72	
78	12/31/2015	Prepare, Review and revise Rule 72 Appeal re preliminary injunction	3	CB	Access to Courts	Prelim Inj	
79	1/5/2016	Conference with Elizabeth Brancart re discovery re billing and review documents re same; Prepare billing	1.2	CB	Debt	Discovery	
80	1/6/2016	Conference with Elizabeth Brancart re discovery; Review and revise interrogs and request for production of documents, including daily rates; Prepare and revise statement to court re motion to	1.5	CB	Debt	Discovery	

A		B		C		D		E		F	
	Date	Task	Time	Attny	Time Attributed To	Task Category					
1	1/12/2016	Prepare request for production of document 14 re religion; Review docs and legal research re same	1.3	CB	RLUIPA	Discovery					
81	1/12/2016	Review docs re request for production of document re ESI and solitary confinement and Indian religion practice; Review notes for declarations; Prepare draft declarations for Native American SDIs	1.9	CB	RLUIPA	Motions					
82	1/19/2016	Review email from defense counsel re treatment manuals; Prepare interrogatory re same	0.8	CB	ADA	Discovery					
83	1/22/2016	Prepare follow-up discovery re treatment standards and contentions by defendants	0.9	CB	ADA	Discovery					
84	1/26/2016	Conference with Martha Letchinger re evidence needed to support RLUIPA claim	0.2	CB	RLUIPA	Compiling Evidence					
85	2/2/2016	Conference with Elizabeth Brancart re motion to compel and follow-up discovery; Review discovery to prepare follow-up discovery; Review Whitetail	0.9	CB	RLUIPA	Discovery					
86	2/8/2016	Conference with Martha Letchinger re SDI declarations re religious rights claim	0.5	CB	RLUIPA	Compiling Evidence					
87	2/8/2016	Prepare letter to DOCR Warden Braun re interview with McGillis re denial of religious practice	0.4	CB	RLUIPA	Investigation					
88	3/10/2016	Phone call with Jeremy Johnson re billing; review bill and prepare memo re same	0.8	CB	Debt	Investigation					
89	3/18/2016	Prepare for ESI interviews; ESI interview with Peterson re DOCR SORRS [.6 no charge]; ESI interview with Flynn re ESI at SOTEP (.6); ESI interview with Kofield re ESI AIMS by SOTEP program (.6); Conference with Elizabeth Brancart re same (.2); prepare email to legal assistant Martha Letchinger re	1.5	CB	ESI	Discovery					
90	4/1/2016	Prepare request for admissions re disclosure of "confidential" material by defense counsel, contrary	0.5	CB	Releases/HIPAA Objection	Discovery					
91	4/4/2016	Prepare email to attorney Tom Kayes re RLUIPA	0.2	CB	RLUIPA	Case Management					
92	4/12/2016	Revise request for admissions and serve	0.3	CB	Releases/HIPAA Objection	Discovery					

A		B			C		D		E		F
1	Date	Task	Time	Attny	Time Attributed To	Task Category					
94	4/12/2016	Phone call with Tom Kayes re RLUIPA claim; Review email from Tom Kayes re follow-up discovery need on	0.3	CB	RLUIPA	Investigation					
95	4/21/2016	Prepare and revise subpoena to NDSH collections	0.7	CB	Debt	Discovery					
96	4/22/2016	Prepare email to defense counsel re updating SDI Excel list; Prepare letter to SDI re updated releases	0.4	CB	Releases/HIPAA Objection	Discovery					
97	5/2/2016	Review email from court re adding plaintiffs; Review email from defense counsel re same	0.2	CB	Evaluation	Case Management					
98	5/4/2016	Prepare letter to DHS re Wegley complaints; Review email from defense counsel re opposition to motion to amend complaint to add plaintiff as class rep	0.5	CB	Evaluation	Motions					
99	5/10/2016	Review debt collector CCI response	0.2	CB	Debt	Discovery					
100	5/11/2016	Prepare letter to CCI re mtg meet and confer re	0.4	CB	Debt	Discovery					
101	5/18/2016	Phone call with CCI meet and confer; Prepare email to co-counsel re assignments	0.5	CB	Debt	Discovery					
102	5/19/2016	Review defense counsel opposition to motion to amend adding new plaintiff for evaluation class	0.3	CB	Evaluation	Motions					
103	5/23/2016	Revise reply re adding Hinson as class representative	0.8	CB	Evaluation	Prelim Inj					
104	5/27/2016	Prepare email to co-counsel re motion to compel sub; Legal research re same; Prepare email to district court re same and review emf district court re same	0.8	CB	Debt	Prelim Inj					
105	5/31/2016	Review letter to defense counsel re release authorizations	0.1	CB	Releases/HIPAA Objection	Discovery					
106	6/2/2016	Phone call with co-counsel re hrg re subpoena to CCI; Review and revise with Elizabeth Brancart; letter to Magistrate Judge re plaintiff's position; Review CCI	0.6	CB	Debt	Discovery					
107	6/14/2016	Prepare email to Collections Center, Inc. re follow-up by co-counsel	0.1	CB	Debt	Discovery					
108	6/14/2016	Prepare email to co-counsel re CCI hrg and follow-up	0.3	CB	Debt	Discovery					
109	6/18/2016	Review and revise interrgos to defense by RLUIPA class members; Review and revise request for production of documents re same	1.9	CB	RLUIPA	Discovery					
110	6/30/2016	Review order re subpoena to CCI collection firm	0.2	CB	Debt	Discovery					

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	1/26/2017	Review docs from Dyer re billings from NDSH; Prepare cover memo re same	0.6	CB	Debt	Investigation
129	1/31/2017	Review email from Credit Collection agency atty; Prepare email to co-counsel re same	0.3	CB	Debt	Discovery
130	1/31/2017	Conference with Elizabeth Brancart re potential FDCPA claim against NDSH billings; Review applicable caselaw; Review email from Elizabeth Brancart to experts on similar claims; Prepare email to expert re	1.2	CB	Debt	Investigation
131	2/2/2017	Review email from Elizabeth Brancart possible expert for ADA claim	0.2	CB	ADA	Expert
132	2/7/2017	Review email from James Teigland and CCI atty re doc production	0.2	CB	Debt	Discovery
133	2/14/2017	Review email from CCI atty and co-counsel re request for production of document re CCI recds	0.4	CB	Debt	Discovery
134	2/14/2017	Review defense counsel FRCP 72 mtn req qualified protective order (QPO); Conference with Elizabeth Brancart re oppo; Review order permitting opposition	1	CB	HIPAA/Releases/Debt	Motions - Rule 72
135	2/17/2017	Review email from co-counsel re CCI subpoena reply	0.1	CB	Debt	Discovery
136	2/17/2017	Legal research re NDSH billing practices; Prepare email to NCLC re potential claims	0.7	CB	Debt	Investigation
137	2/17/2017	Review court order re stay; Review legal research by Elizabeth Brancart opposing FRCP 72 appeal of motion to compel order and QPO issued by Magistrate Judge; Review email from Elizabeth	0.7	CB	HIPAA/Releases/Debt	Motions - Rule 72
138	3/2/2017	Review docs for consult with attorney D Siegelman re NDSH billing practice; Phone call with D Siegelman re	1	CB	Debt	Investigation
139	3/3/2017	Prepare letter to D Siegelman re billing practices; Review docs re same; set up consult re claims	1	CB	Debt	Investigation
140	3/6/2017	Review emails from and prepare email to Siegelman re billing practices	0.2	CB	Debt	Investigation
141	3/10/2017	Prepare email to consultant re NDSH billing claims	0.2	CB	Debt	Investigation

A		B		C		D		E		F	
	Date	Task		Time	Attny	Time Attributed To		Task Category			
1	3/13/2017	Review email from defense counsel re Hinson release;		0.2	CB	Evaluation		Discovery			
143		Prepare email to Martha Letchinger re same									
144	3/13/2017	Prepare letter to Dyer re SSA doc release		0.4	CB	Debt		Investigation			
145	3/14/2017	Prepare follow-up email Siegelman consult re NDSH billing practices		0.3	CB	Debt		Investigation			
146	4/13/2017	Review SSA docs from Dyer; Conference with Martha Letchinger re preparing updated disclosure		0.4	CB	Debt		Discovery			
147	4/27/2017	Phone call with by SDI re NDSH billings; SSI and SSDI status for disability and wrongful collection by NDSH; Request additional SSA records to establish proof		0.8	CB	Debt		Investigation			
148	5/3/2017	Review email from defense counsel re Hinson dismissal; Conference with Elizabeth Brancart re same		0.2	CB	Evaluation		Case Management			
149	5/8/2017	Review new billing recds from SDIs; Prepare supplemental disclosure re same		0.5	CB	Debt		Discovery			
150	5/17/2017	Conference with Martha Letchinger re getting signatures on releases for all SDIs; Phone call with SDIs at NDSH and in Bismarck re verifications and		0.7	CB	Releases/HIPAA Objection		Discovery			
151	5/22/2017	Follow-up with SDI re releases; Prepare forms for SDIs to sign		0.4	CB	Releases/HIPAA Objection		Discovery			
152	5/24/2017	Review and revise motion to dismiss Hinson from		0.3	CB	Evaluation		Motions			
153	6/7/2017	Review order by Magistrate Judge		0.1	CB	HIPAA/Releases		Case Management			
154	6/7/2017	Conference with Elizabeth Brancart re NDSH and Medicaid billing		0.2	CB	Debt		Investigation			
155	6/21/2017	Review SSA record by Dyer; Prepare memo re same re billing issue		1.4	CB	Debt		Investigation			
156	6/22/2017	Review docs re billings to SDI Vetter; Prepare memo		0.4	CB	Debt		Investigation			
157	8/15/2017	Review letter from defense counsel re supplemental docs, Disc 29; Review Disc 28 re timeline; Conference with Elizabeth Brancart re review and process of		1.1	CB	ADA/Debt		Discovery			
158	8/15/2017	Review letter from Dyer re billings		0.1	CB	Debt		SDI Communications			

	A		B		C		D		E		F	
	Date	Task	Time	Attny	Time Attributed To	Task Category						
1	10/2/2017	Prepare memo re RLUIPA claim and elders identified by McGillis; Prepare assignment to staff re locating; Prepare email to and letter to executive director of	1.3	CB	RLUIPA	Investigation						
159												
160	11/16/2017	Travel from Pescadero to Fargo for settlement	10	CB	Travel/Settlement	Travel/Settlement						
161	11/18/2017	Travel from Fargo to Jamestown to visit clients at NDSH (3.0); visit clients at NDSH (10:30-3:00) (4.5)	7.5	CB	Client visit	Travel/Client Visit						
162	11/18/2017	Travel from Fargo to San Francisco/Pescadero	8	CB	Travel/Settlement	Travel/Settlement						
163	12/4/2017	ADA research re proving claims and framing claims for	0.4	CB	ADA	Legal Research						
164	12/5/2017	Legal research re SDI Ramirez in solitary and background; Conference with Elizabeth Brancart re next steps to help Ramirez	0.4	CB	ADA	Legal Research						
165	12/5/2017	Legal research re legislative history re amendment to SDI statute re billing claim	0.8	CB	Debt	Legal Research						
166	12/5/2017	Review and revise evaluation class policy; discuss with Elizabeth Brancart re same ; prepare materials for Magistrate Judge for settlement conference	2	CB	Evaluation	Settlement						
167	12/6/2017	Conference with Elizabeth Brancart re settlement and client contacts; Review and revise policy and legal research re same re Evaluation class	2.8	CB	Evaluation	Settlement						
168	12/6/2017	Review and revise letter to defense counsel re NDSH settlement; Conference with Elizabeth Brancart re	1.3	CB	Evaluation	Settlement						
169	12/6/2017	Review and revise Evaluation policy; Conference with Elizabeth Brancart re same	0.8	CB	Evaluation	Settlement						
170	12/6/2017	Phone call with McGillis re RLUIPA claim and evidence and how NDSH policies compare to DOCR; Memo re DOCR policy for drafting settlement position re	0.4	CB	RLUIPA	Settlement						
171	12/7/2017	Review documents and state court recds re NDSH suits re billing; Prepare outline and list re same; Letter to and phone call with SDI Jacob Close re experience	1.4	CB	Debt	Investigation						
172	12/7/2017	Review legislative history tape for reply to assertions by defense counsel for Magistrate Judge re billing	0.6	CB	Debt	Legal Research						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	12/7/2017	Review email from and letter from SDI Brown re bill collection claim; Review and revise bill collection	0.9	CB	Debt	SDI Communications
173	12/8/2017	Review email from Elizabeth Brancart re legislative history of billing provision of NDCC 25-03.3.	0.2	CB	Debt	Legal Research
174	12/8/2017	Review and revise letter to Magistrate Judge re settlement re evaluation class	0.6	CB	Evaluation	Settlement
175	12/11/2017	Review docs and plaintiff records for settlement conference; Phone call with SDIs re conference; legal research re debt claim and evaluation claims for	2.2	CB	Debt; Evaluation	Settlement
176	12/12/2017	Review records for settlement conference; Review email from defense counsel with proposed policy and conference with Elizabeth Brancart re same; Review SOTEP and ADA claim demands; Review updated	3.3	CB	Debt; ADA; Evaluation	Settlement
177	12/12/2017	Travel Pescadero to Fargo	10	CB	Settlement	Travel/Settlement
178	12/13/2017	Attend settlement conference; conference with co-counsel and Elizabeth Brancart re next steps , 9am -	8.5	CB	Settlement	Settlement
179	12/14/2017	Meeting with clients at NDSH	4.5	CB	Client visit	Client Visit
180	12/14/2017	Travel Fargo to Jamestown	1.8	CB	Client Visit	Travel/Client Visit
181	12/14/2017	Travel Jamestown to Fargo	1.8	CB	Client Visit	Travel/Client Visit
182	12/14/2017	Travel Fargo to Pescadero	8.5	CB	Settlement	Travel/Settlement
183	12/15/2017	Review legal research re evaluation class claims	0.5	CB	Evaluation	Legal Research
184	12/15/2017	Prepare letter to Protection and Advocacy (PAI) and Phone call with PAI re need for PAI intervention re SDI Luis Ramirez solitary confinement; revise letter to	1.5	CB	ADA	Letters
185	12/15/2017	Review NDSH mail policy re communication with counsel during evaluation period	0.3	CB	Evaluation	Settlement
186	12/15/2017	Review email to defense counsel re follow-up settlement discussions	0.1	CB	Settlement	Settlement
187	12/22/2017	Review letter from SDI; Prepare email to defense counsel re follow-up re recent bankruptcy by SDI due	0.3	CB	Debt	Letters
188	1/11/2018	Letter to defense counsel re subpoena to new debt collection firm; Review memo from defense counsel	0.5	CB	Debt	Discovery
189						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	1/29/2018	Review and Prepare email to defense counsel re subpoena to bill collection firm for SDI bills	0.3	CB	Debt	Discovery
190	2/5/2018	Conference with Elizabeth Brancart and defense counsel re service of subpoena to older debt collection for NDSH; Review and revise and serve	0.5	CB	Debt	Discovery
191	2/27/2018	Conference with Elizabeth Brancart re ADA expert	0.5	CB	ADA	Expert
192	3/7/2018	Review defense counsel settlement proposal re Evaluation, RLUIPA and Debt classes and draft plaintiffs' reply; revise same and Conference with Elizabeth Brancart re revisions to Plaintiff reply to	1.5	CB	Debt; RLUIPA; Evaluation	Settlement
193	3/17/2018	Review letter from SDI collected by legal assistant Ali Goss; Prepare email to defense counsel re Greak	0.3	CB	Debt	SDI Communications
194	3/20/2018	Conference with Elizabeth Brancart re ADA expert site visit; request information for letter to defense	0.4	CB	ADA	Expert
195	4/6/2018	Review docs and expert request and Prepare follow-up letter to defense counsel re plaintiffs' ADA expert Dr. Robin Wilson contacts for interviews and	0.5	CB	ADA	Expert
196	4/9/2018	Review email from defense counsel re Wilson interviews; Prepare email to Wilson re same	0.4	CB	ADA	Expert
197	4/10/2018	Review and Prepare email to expert re site visit	0.2	CB	ADA	Expert
198	4/12/2018	Review email from expert re co-counsel and expert investigation; Prepare email to co-counsel re same	0.3	CB	ADA	Expert
199	4/16/2018	Review letter from SDIs re case status	0.5	CB	ADA	SDI Communications
200	4/27/2018	Prepare follow-up letter to tribal elder re defense counsel complaint	0.5	CB	RLUIPA	Investigation
201	5/15/2018	Review defense counsel reply to settlement offer	0.4	CB	Debt; RLUIPA; Evaluation	Settlement
202	5/21/2018	Review letters from SDIs collected by legal assistant	0.8	CB	Debt	SDI Communications
203	5/31/2018	Review letter from defense counsel re expert visit to	0.2	CB	ADA	Expert
204	6/1/2018	Review email from defense counsel re expert visit; Review email from Elizabeth Brancart expert re same	0.3	CB	ADA	Expert

A		B			C		D		E		F	
	Date	Task	Time	Attny	Time Attributed To	Task Category						
1	3/3/2019	Review final letter to defense counsel re ADA class settlement; Review email from Elizabeth Brancart to co-counsel; and letter to and letter from SDIs re settlement conference preparation and issues	1.6	CB	Settlement	Settlement						
221	3/12/2019	Review and revise settlement conference statement to Magistrate Judge Senechal; Conference with Elizabeth Brancart re same; draft portions regarding settlement of SOTEP and Juvenile class claims	3.7	CB	Settlement	Settlement						
222	3/13/2019	Conference with Elizabeth Brancart re revisions to settlement statement	0.3	CB	Settlement	Settlement						
223	3/13/2019	Review letters from clients re settlement conference	0.3	CB	Settlement	Settlement						
224	3/20/2019	Prepare for settlement conference; review documents re same; legal research re debt class position taken by DHS; Conference with Elizabeth	3.5	CB	Settlement	Settlement						
225	3/20/2019	Travel Pescadero to Fargo	8	CB	Travel	Travel/Settlement						
226	3/21/2019	Settlement conference (8:30 am to 5 pm)	8.5	CB	Settlement	Settlement						
227	3/22/2019	Travel Fargo to Pescadero	10	CB	Travel	Travel/Settlement						
228	4/17/2019	Phone conference with Magistrate Judge Senechal re settlement in Ireland; Conference with Elizabeth Brancart re expert follow-up	1	CB	Settlement	Settlement						
229												
230	5/2/2019	Phone conference with Magistrate Senechal re settlement; Prepare email to defense counsel re	0.5	CB	Settlement	Settlement						
231	5/3/2019	Revise email to defense counsel re settlement and review input by Elizabeth Brancart and Fremstad firm	0.2	CB	Settlement	Settlement						
232	5/7/2019	Review email from defense counsel re settlement; Prepare email to defense counsel re same	0.4	CB	Settlement	Settlement						
233	5/20/2019	Review email from SDI re status of debt class	0.2	CB	Debt	SDI Communications						
234	6/4/2019	Review letter to defense counsel re fee demand; Conference with Elizabeth Brancart re same; Review draft settlement docs; Revise letter to defense	2.5	CB	Settlement	Settlement						
235	8/4/2019	Review and comment on expert report by Robin	2.5	CB	ADA	Expert						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	12/18/2019	Review letter to Magistrate Judge Senechal re settlement agreement problems; Conference with Elizabeth Brancart re letter to Magistrate Judge	0.4	CB	Settlement	Settlement
251	12/19/2019	Prepare for status conference with Magistrate Judge Senechal re settlement; status conference with Magistrate Judge Senechal re same	1	CB	Settlement	Settlement
252	2/27/2020	Phone conference with Magistrate Judge Senechal re settlement	0.5	CB	Settlement	Settlement
253	5/4/2020	Review letter to Debt Subclass re settlement and	0.3	CB	Settlement	Settlement
254	5/12/2020	Review defense counsel revisions to settlement documents and conference with Elizabeth Brancart re	0.8	CB	Settlement	Settlement
255			400.6			
256						
257						
258	11/4/2013	Legal research re ADA and civilly committed sex offenders and Supreme Court's Olmstead decision	1.2	EB	ADA	Legal Research
259	1/3/2014	Legal research re RLUIPA and draft allegations for second amended complaint	1.3	EB	RLUIPA	Legal Research
260	4/8/2015	Legal research regarding preliminary injunction standards and right to access to courts and retaliation by state officials for exercise of right; draft memo re	4.2	EB	Access to Court	Legal Research
261	4/9/2015	Draft motion for preliminary injunction (4.6); additional legal research regarding access to courts	7.4	EB	Access to Court	Prelim Inj
262	4/20/2015	Edit and revise and draft motion for preliminary injunction, declaration of Christopher Brancart and accompanying documents	3.7	EB	Access to Court	Prelim Inj
263	4/21/2015	Edit and revise memorandum, adding additional facts and finalize for filing	2.8	EB	Access to Court	Prelim Inj
264	5/13/2015	Draft reply to response to preliminary injunction motion (3.7); legal research re cases cited by	5.4	EB	Access to Court	Prelim Inj
265	7/22/2015	Review Oliver Wardlow file, prepare supplemental response to ADA interrogatories	1.6	EB	ADA	Discovery

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	8/6/2015	Review documents and prepare supplemental responses for Robert Lilley and Garrett Loy	5.7	EB	ADA/Evaluation	Discovery
266	8/17/2015	Phone call with Kyle Aune and prepare supplemental declaration of Kyle Aune for preliminary injunction (1.2); prepare supplemental declaration of Christopher Brancart (.3); review and redact Wegley document for Brancart Declaration exhibit (.2); edit and revise proposed preliminary injunction order (.6); review Paul Oie documents for hearing in injunction	6.5	EB	Access to Court	Prelim Inj
267	8/18/2015	Phone call with Kyle Aune (.2) and phone call with Larry Rubey (.1) to update re case; prepare declaration regarding North Dakota sex offender	0.7	EB	Access to Court	Prelim Inj
268	8/20/2015	Draft supplemental briefing on motion to dismiss (1.5), including ADA/Debt claims	1.5	EB	ADA/Debt	Motions
269	8/21/2015	Additional drafting, edit and revise supplemental brief re motion to dismiss, draft declaration and finalizing filing, including re ADA/Debt claims	1.8	EB	ADA/Debt	Motions
270	9/9/2015	Review report and recommendation	0.2	EB	ADA/Debt	Motions
271	9/10/2015	Edit and revise fourth set of interrogatories re ADA, draft sixth request for production of documents	1.7	EB	ADA	Discovery
272	9/14/2015	Review files of SDIs for releases and identify additional persons from whom to obtain releases (2.5), review sex offender website and prepare comparison chart with SDI information disclosed by State in order to compile evidence without having releases required by State (5.0); review documents just produced by State (.8); identify documents and	7.6	EB	Releases/HIPAA Objections	Discovery
273	9/15/2015	Draft letters to SDIs and former SDIs regarding releases, request for additional documents and update re post-release issues and emails to other	5.9	EB	Releases/HIPAA Objections	Discovery
274						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	9/16/2015	Identify additional released and still incarcerated sex offenders for release request; draft letters to individuals apprising of status of case and request for	3.6	EB	Releases/HIPAA Objections	Discovery
275						
276	9/16/2015	Legal research re less restrictive alternative for	1.2	EB	ADA	Legal Research
	9/17/2015	Emails with Doug Bahr regarding SDI billing accounts for production	0.2	EB	Debt	Discovery
277						
	9/18/2015	Draft sixth set of interrogatories re use of community placement as less restrictive alternative (.5); emails to Doug Bahr clarifying whether Treatment Manual and guidelines re risk assessment exist (.2)	0.7	EB	ADA	Discovery
278						
279	9/18/2015	Legal research re antisocial personality disorder as	1.1	EB	ADA	Legal Research
	9/21/2015	Emails with Doug Bahr re SDI billing issue and review pleadings filed by State to respond	0.5	EB	Debt	Discovery
280						
281	9/21/2015	Revise and finalize objection to report and	0.5	EB	Debt	Motion to Dismiss
	9/22/2015	Draft plaintiffs' motion for leave to file sixth amended complaint, legal research re same; prepare amended complaint and draft declaration	4.5	EB	Debt/ADA	Motions
282						
	9/23/2015	Legal research regarding class certification re issues and claims versus certification based on class representative's claims; Legal research re satisfaction of numerosity for small subclasses in Rule 23(b)(2)	5.8	EB	Debt; RLUIPA; Evaluation; ADA	Class Certification
283						
284	9/24/2015	Legal research re HIPAA and NDCC 50-06-17 for motion to compel	2.8	EB	Releases/HIPAA Objections	Legal Research
	9/25/2015	Draft motion to compel re defendants' privacy objections	2.8	EB	Releases/HIPAA Objections	Motion to Compel
285						
286	9/25/2015	Draft plaintiffs application to extend preliminary injunction response dates	0.6	EB	Access to Court	Prelim Inj
	9/25/2015	Review and answer correspondence from SDI plaintiffs re releases	3.6	EB	Releases/HIPAA Objections	SDI Communications
287						
	9/28/2015	Review releases and correspondence from SDIs and respond	1.8	EB	Releases/HIPAA Objections	Discovery
288						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	9/28/2015	Edit and revise motion to compel identities of SDIs and documents, follow-up research and identify	2.3	EB	Releases/HIPAA	Motion to Compel
289	9/30/2015	Review order re report and recommendation (.2); email to released clients re same (.1)	0.3	EB	Debt/ADA	Motion to Dismiss
290	10/2/2015	Legal research re holding evaluatees in worse conditions and administrative segregation as	2.5	EB	Evaluation	Legal Research
291	10/12/2015	Draft reply re HIPAA and confidentiality agreement for motion to compel (.8); conference with Chris Brancart re reply arguments (.5)	1.3	EB	Releases/HIPAA	Discovery
292	10/14/2015	Draft and revise reply brief (1.8); legal research regarding drug and alcohol records under federal law	2.5	EB	Releases/HIPAA	Motion to Compel
293	10/15/2015	Edit and revise reply brief re motion to compel re privacy	1.2	EB	Releases/HIPAA	Motion to Compel
294	10/16/2015	Research regarding eligibility for SSI, SSDI and Medicaid while at NDSH and NDSH procedures for	1.5	EB	Debt	Legal Research
295	10/20/2015	Review bankruptcy PACER for SDI Mims bankruptcy	0.3	EB	Debt	Compiling Evidence
296	10/20/2015	Review correspondence from non-plaintiff SDIs with releases and return letters (.5)	0.5	EB	Releases/HIPAA	SDI Communications
297	11/4/2015	Phone call with court clerk regarding missing redacted filing, research file to locate, call to clerk to	0.2	EB	Releases/HIPAA	Case Management
298	11/6/2015	Review AG filings, status report re preliminary injunction and draft plaintiffs' response brief re	2.5	EB	Access to Court	Prelim Inj
299	12/8/2015	Review report and recommendation on preliminary injunction (.2)	0.2	EB	Access to Court	Prelim Inj
300	12/16/2015	Draft objection to Report and Recommendation re Preliminary Injunction, comparing relief sought, hearing transcripts, relief agreed upon and Court's	6.5	EB	Access to Court	Prelim Inj
301	12/17/2015	Additional legal research re need for actual injury and standards of deference to officials at NDSH (as	1.5	EB	Access to Court	Prelim Inj
302	12/28/2015	Review Fed. R. Civ. P. 72 and local rule 72.1 regarding appeals from magistrate nondispositive rulings and begin drafting appeal brief regarding discovery orders	1	EB	Releases/HIPAA	Motion to Compel
303						

A		B		C	D	E	F
Date	Task	Task	Time	Attny	Time Attributed To	Task Category	
1	12/29/2015	Draft appeal brief regarding nondispositive discovery orders, edit and revise same	7.3	EB	Releases/HIPAA Objections	Motion to Compel	
304	12/31/2015	Legal research and draft objection to report and recommendation re need to show "actual injury" for interference with 6th Amendment rights to access to	3.4	EB	Access to Court	Prelim Inj	
305	1/5/2016	Research state website to identify debt collector servicing NDSH debt and related documents (.8); conference with Chris Brancart re same and possible	1	EB	Debt	Investigation	
306	1/6/2016	Draft, edit and review interrogatories from David Anderson to Rosalie Etherington and related requests for production of documents	1.3	EB	Debt; ADA	Discovery	
307	1/11/2016	Phone call with Jason Gores re dental bill and social security disability payments	0.1	EB	Debt	SDI Communications	
308	1/13/2016	Edit and revise Fourteenth Request for Production of Documents	0.3	EB	RLUIPA	Discovery	
309	1/15/2016	Legal research regarding SSDI benefits to SDIs and 42 USC 402 and memo to file re same	1.2	EB	Debt	Legal Research	
310	2/5/2016	Review court orders produced by defendants and take notes regarding various bases for finding SDI unable to control behavior, failure to progress in	3.6	EB	ADA	Compiling Evidence	
311	2/16/2016	Edit and revise motion to compel (3.6); review types of documents produced by defendants on disk 10	5.2	EB	ADA (ECF 352; Int 22-24, 28-29)	Motion to Compel	
312	2/17/2016	Edit and revise omnibus motion to compel (2.2); edit and revise motion to compel expert materials (2.3)	5.5	EB	ADA (ECF 352; Int 22-24, 28-29)	Motion to Compel	
313	2/22/2016	Prepare declaration in support of motion to compel	0.9	EB	ADA (ECF 352; Int 22-24, 28-29)	Motion to Compel	
314	2/24/2016	Edit, revise and finalize motion to compel interrogatories 9-29 and document requests 40-41	2.6	EB	ADA (ECF 352; Int 22-24, 28-29)	Motion to Compel	
315	3/11/2016	Commence work on reply to defendants' opposition to plaintiffs' motion to compel	0.9	EB	ADA (ECF 352; Int 22-24, 28-29)	Motion to Compel	
316							

A		B		C		D		E		F	
	Date	Task		Time	Attny	Time Attributed To		Task Category			
1	4/29/2016	Draft, edit and revise motion for class certification, including all common practices and evidentiary support and draft definitions of classes and subclasses		9.5	EB	Debt; RLUIPA; ADA; Evaluation		Class Certification			
328	5/23/2016	Draft reply to opposition to motion to add Eugene Hinson as plaintiff (1.5); legal research are same (.7)		2.2	EB	Evaluation		Motion to Add Plaintiff			
329	5/23/2016	Review documents produced by defendants to clarify which SDIs have sufficient information in the orders to determine which party petitioned to comply with Magistrate Judge Senechal's May 19, 2016 discovery order (3.5); draft letter to defense counsel re same		3.7	EB	ADA (ECF 352; Int 22-24, 28-29)		Motion to Compel			
330	6/3/2016	Edit and finalize letter to MJ Senechal regarding CCI subpoena; legal research re same		1.2	EB	Debt		Motion to Compel			
331	6/7/2016	Research to identify docket information in public record re SDIs who are not plaintiffs or who have not		1.2	EB	Releases/HIPAA		Investigation			
332	6/7/2016	Phone conference with co-counsel James Teigland regarding motion to compel hearing		0.3	EB	Debt		Motion to Compel			
333	6/16/2016	Review draft motion regarding tobacco and review hospital rules from North Dakota and Montana for potential RLUIPA motion (.8)		0.8	EB	RLUIPA		Motions			
334	6/21/2016	Conference with Court regarding CCI subpoena (2nd chair [.2 hours no charge]), and scheduling (.1)		0.1	EB	Debt		Motion to Compel			
335	8/20/2016	Review orders from defense regarding petitions for		1.5	EB	ADA		Compiling Evidence			
336	8/23/2016	Research re state court judgments against SDIs for failure to pay bills; review spreadsheet from CCI re amounts in collection; review bankruptcy PACER to		2.4	EB	Debt		Compiling Evidence			
337	8/25/2016	Review CCI documents and research collection actions against non-SDIs		1.3	EB	Debt		Compiling Evidence			
338	9/9/2016	Review chaplaincy documents produced		0.8	EB	RLUIPA		Discovery			
339	9/30/2016	Review records and draft interrogatory responses for Eugene Hinson and Larry Rubey		7.2	EB	Evaluation		Discovery			
340	10/2/2016	Review documents and prepare interrogatory responses for Moore and Oie and documents to		5.5	EB	Evaluation		Discovery			

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1						
357	12/16/2016	Review documents and draft Fluge treatment	4.4	EB	ADA	Compiling Evidence
358	12/19/2016	Review records and compile Christopher Simon treatment progression timeline	4.8	EB	ADA	Compiling Evidence
359	12/21/2016	Review documents and compile Didier treatment	1.2	EB	ADA	Compiling Evidence
360	12/21/2016	Review documents and prepare Hicks timeline (.8); review documents and prepare Kulink treatment	2.8	EB	ADA	Compiling Evidence
361	1/14/2017	Review documents and prepare Travis Wedmore treatment timeline	3	EB	ADA	Compiling Evidence
362	1/17/2017	Review documents and draft treatment timeline for Andrew Olafson	2.7	EB	ADA	Compiling Evidence
363	1/17/2017	Draft request for leave to file Aune collections notice in support of motion for partial summary judgment and Rule 72 objection; draft proposed declaration	0.8	EB	Debt	Motions
364	1/18/2017	Review documents and complete preparation of Olafson treatment timelines	2.6	EB	ADA	Compiling Evidence
365	1/18/2017	Review documents and prepare treatment timeline for Darl Hehn	4.8	EB	ADA	Compiling Evidence
366	1/25/2017	Review newly produced documents and update treatment timelines for Estel Naser and Michael Kruk	1.6	EB	ADA	Compiling Evidence
367	3/14/2017	Letter to Travis Wedmore re billing and treatment	0.2	EB	Debt	SDI Communications
368	3/22/2017	Review documents and prepare supplemental response by Garrett Loy to defendants'	5.5	EB	Evaluation	Discovery
369	3/23/2017	Review documents and draft Garrett Loy's supplemental response to interrogatories	8.2	EB	Evaluation	Discovery
370	3/24/2017	Edit and revise Loy interrogatory responses	0.8	EB	Evaluation	Discovery
371	5/5/2017	Review file for additional release requests and draft	2.2	EB	Releases	Discovery
372	8/2/2017	Review letter from Wright and draft letter to Jeffrey Wright concerning evaluation status and MJ Senechal's report and recommendation	0.2	EB	Evaluation	SDI Communications
373	10/3/2017	Draft letter re settlement to Debt Class and outline religion, ADA and evaluation class claims	3.4	EB	Debt; RLUIPA; Evaluation	Settlement

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	10/6/2017	Prepare settlement demand: legal research re statutory construction (.5); legal research re discharge of debt and taxation (1.7); draft terms of settlement demand based on documents and most recent ND	4.2	EB	Debt	Settlement
374	10/10/2017	Review religious practice materials from NDSH and American Correctional Association policies; draft demand re RLUIPA Subclass	3.5	EB	RLUIPA	Settlement
375	10/11/2017	Draft letter to Joseph McGillis concerning sweat	0.2	EB	RLUIPA	Investigation
376	10/11/2017	Draft RLUIPA demand, review DOCR policies and compare NDSH policies	4.5	EB	RLUIPA	Settlement
377	10/12/2017	Draft demands for ADA Class, Evaluation Class, RLUIPA Class and Debt Class	6.8	EB	Debt; RLUIPA; Evaluation	Settlement
378	11/16/2017	Travel from Pescadero to Fargo for settlement	10	EB	Travel/Settlement	Travel/Settlement
379	11/17/2017	Meeting with clients prior to settlement conference (.8); attend settlement conference (9-5:45)	9.6	EB	Settlement	Settlement
380	11/18/2017	Visit clients at NDSH (10:30-3:00) (4.5)	4.5	EB	Client visit	Client Visit
382	11/18/2017	Travel from Fargo to Jamestown to visit clients at	7.5	EB	Client visit	Travel/Client Visit
383	11/18/2017	Travel from Fargo to San Francisco/Pescadero	8	EB	Travel/Settlement	Travel/Settlement
384	11/20/2017	Legal research re debt issue cases from Dan Gaustad and legislative history of section authorizing suit	0.7	EB	Debt	Legal Research
385	11/20/2017	Draft proposed policy regarding evaluation status for settlement of evaluation class	1.3	EB	Evaluation	Settlement
386	12/4/2017	Legal research re evaluation class and SOTEP class claims for settlement conference [2.8 hours total]	1.4	EB	Evaluation	Legal Research
387	12/4/2017	Edit and revise proposed evaluation status policy	1.1	EB	Evaluation	Settlement
388	12/5/2017	Legal research re evaluation class and SOTEP class for settlement conference to identify authorities for MJ Senechal; legal research re treatment and conditions and which Supreme Court authority applies to evaluation claims and SOTEP claims and punitive	1.8	EB	Evaluation	Legal Research
389	12/5/2017	Review legislative history re debt provision of NDCC chapter 25-03.3 and prepare exhibit for settlement	0.8	EB	Debt	Settlement

A		B		C		D		E		F	
1	Date	Task	Time	Attny	Time Attributed To	Task Category					
408	2/27/2018	Phone call with potential expert Robin Wilson	0.5	EB	ADA	Expert					
409	2/27/2018	Prepare documents and memo re same for Dr. Wilson for initial ADA review	3.5	EB	ADA	Expert					
410	3/7/2018	Draft response to defendants' February 2018 settlement proposal	3.3	EB	Settlement	Settlement					
411	3/8/2018	Edit, revise and finalize response to February 5, 2018, settlement proposal from DHS/NDSH	2.5	EB	Settlement	Settlement					
412	6/20/2018	Draft letter to Dan Gaustad re expert interviews	0.4	EB	ADA	Expert					
413	6/20/2018	Legal research re attorney-client relationship with absent class members	0.8	EB	ADA	Legal Research					
414	6/26/2018	Review letter from defense counsel re defense expert tours of NDSH; legal research re defense expert contact with absent class members	0.5	EB	ADA	Expert					
415	6/26/2018	Emails to expert Robin Wilson re NDSH tour and new defense expert	0.1	EB	ADA	Expert					
416	6/28/2018	Draft response to DHS/NDSH RLUIPA class settlement response; review chaplaincy policies and property	2.5	EB	RLUIPA	Settlement					
417	6/29/2018	Draft response to defendants' offer regarding evaluation class and debt class	3.5	EB	Debt; Evaluation	Settlement					
418	7/3/2018	Review email from Dan Gaustad re expert interviews and respond re meet and confer request (.1); emails with class action attorneys re interviews in	0.4	EB	ADA	Expert					
419	7/5/2018	Review SDI files to identify persons for Wilson interviews (3.5); phone call with Dan Gaustad re interview issue and follow-up emails to MJ Senechal's	3.8	EB	ADA	Expert					
420	7/5/2018	Edit and revise Debt Class settlement proposal	1.5	EB	Debt	Settlement					
421	7/6/2018	Call with Chris Brancart concerning expert interviews and position regarding sharing tapes with defense	0.2	EB	ADA	Expert					
422	7/6/2018	Emails to Robin Wilson regarding interviews; identify documents for expert review	1.5	EB	ADA	Expert					
423	7/6/2018	Draft and revise letter to Dan Gaustad regarding evaluation policy, edit and revise proposed policy	2.8	EB	Evaluation	Settlement					

A		B			C	D	E	F
1	Date	Task	Time	Attny	Time Attributed To	Task Category		
439	8/20/2018	Prepare subpoenas to ATSA and Joint Commission	0.5	EB	ADA	Discovery		
440	12/18/2018	Conference call with Magistrate Judge Senechal re settlement status	0.3	EB	Debt; RLUIPA; Evaluation	Settlement		
441	1/15/2019	Review any updates to SDI judgments in collections to respond to Debt Class response	0.8	EB	Debt	Settlement		
442	1/16/2019	Email to ADA expert Dr. Wilson regarding report status and deposition availability	0.1	EB	ADA	Expert		
443	1/16/2019	Email to ADA expert Dr. Wilson regarding report status and deposition availability	0.1	EB	ADA	Expert		
444	1/16/2019	Phone call with MJ Senechal regarding settlement status	0.3	EB	Debt; RLUIPA; Evaluation	Settlement		
445	1/16/2019	Draft response to DHS/NDSH RLUIPA Class settlement	0.9	EB	RLUIPA	Settlement		
446	1/16/2019	Phone call with MJ Senechal regarding settlement	0.3	EB	Settlement	Settlement		
447	1/16/2019	Draft response to DHS/NDSH Debt Class proposal	1.4	EB	Settlement	Settlement		
448	1/16/2019	Draft response to DHS/NDSH RLUIPA Class settlement	0.9	EB	Settlement	Settlement		
449	1/16/2019	Draft response to DHS/NDSH Debt Class proposal	1.4	EB	Debt	Settlement		
450	1/22/2019	Review time records and allocate attorney time to specific claims for settlement	3.7	EB	Settlement	Settlement		
451	1/23/2019	Edit, revise and finalize responses to DHS/NDSH settlement proposals on Evaluation policy and Debt	4.5	EB	Settlement	Settlement		
452	1/24/2019	Review team requests and interrogatory responses for RLUIPA issues to accompany settlement demand response (2.3); revise and finalize RLUIPA demand	3.9	EB	RLUIPA	Settlement		
453	2/20/2019	Review email from Dr. Wilson concerning ADA settlement demand items	0.2	EB	ADA	Expert		
454	2/20/2019	Legal research re ADA standards of proof and potential issues in 8th Circuit case law	5.8	EB	ADA	Legal Research		
455	2/21/2019	Legal research re "medical treatment" under Supreme Court authority for exclusion from ADA and identify case law distinguishing policies	2.6	EB	ADA	Legal Research		

	A	B	C	D	E	F
1	Date	Task	Time	Attny	Time Attributed To	Task Category
	2/22/2019	Draft letters to discharged SDIs concerning settlement conference (1.5); review sex offender website to determine NDSH discharges and new admittees for settlement communications (.8); review prior ADA demand history (.3); review updates to discovery regarding NDSH recommendations for discharge for persons in Skills track (1.2); begin Draft ADA Class demand	4.3	EB	Settlement	Settlement
456	2/25/2019	Draft ADA Class demand	3.5	EB	ADA	Settlement
457	2/26/2019	Draft demand letter re ADA Class	4.7	EB	ADA	Settlement
458	2/27/2019	Email to Dan Gaustad re visit to NDSH	0.1	EB	Client visit	Client Visit
459	2/27/2019	Draft template for letter and questionnaire to resident SDIs concerning settlement conference and review correspondence from class members re settlement conference(.2); letter to court re	0.5	EB	Settlement	Settlement
460	3/7/2019	Review correspondence from class members re settlement conference(.2); letter to court re	0.3	EB	Settlement	Settlement
461	3/12/2019	Draft plaintiffs' confidential mediation statement re	1.5	EB	ADA	Settlement
462	3/13/2019	Finalize confidential mediation brief for Magistrate Judge Senechal	0.5	EB	Settlement	Settlement
463	3/20/2019	Travel from Pescadero to Fargo for settlement	8	EB	Settlement	Travel/Settlement
464	3/21/2019	Prepare for settlement conference (1.0); attend settlement conference (8:30-5:00)	9.5	EB	Settlement	Settlement
465	3/22/2019	Meet with clients (10:30-2:00 [3.5])	3.5	EB	Client visit	Client Visit
466	3/22/2019	Travel from Fargo to Jamestown (1.8) ; travel Jamestown to Fargo (1.7)	3.5	EB	Client visit	Travel/Client Visit
467	3/22/2019	Travel Fargo to Pescadero	10	EB	Settlement	Travel/Settlement
468	3/27/2019	Email with expert Dr. Wilson and email to Judge Senechal re report status	0.1	EB	ADA	Expert
469	5/21/2019	Review time records to prepare settlement demand	5.5	EB	Settlement	Settlement
470	5/22/2019	Draft settlement docs	4.5	EB	Settlement	Settlement
471	5/23/2019	Draft settlement docs	6.5	EB	Settlement	Settlement
472	5/28/2019	Draft settlement documents	4.5	EB	Settlement	Settlement
473	5/29/2019	Draft settlement agreement, stipulation vacating court orders, and class notice	7.3	EB	Settlement	Settlement
474						

	A	B	C	D	E	F
	Date	Task	Time	Attny	Time Attributed To	Task Category
1	1/21/2020	Redraft sections of settlement agreement and draft letter to Judge Senechal	1.2	EB	Settlement	Settlement
493	2/21/2020	Review proposed language from defendants for settlement agreement and conference with Christopher Brancart re same (.3); conference with Magistrate Judge Senechal re same (.4); revise defendants' proposed language re Debt, ADA and release language (.6); review and revise Debt Class	1.6	EB	Settlement	Settlement
494	2/27/2020	Phone call with Magistrate Judge Senechal re	0.2	EB	Settlement	Settlement
495	3/20/2020	Conference call with MJ Senechal (.3); legal research re release of damages claims (.8)	1.1	EB	Settlement	Settlement
496	3/23/2020	Legal research re opt out in FRCP 23(b)(2) class and release of damages claims	3.6	EB	Settlement	Legal Research
497	3/24/2020	Draft and revise letter to Magistrate Judge Senechal regarding effect of release of monetary claims on due process rights of absent class members (2.3); legal	4.1	EB	Settlement	Legal Research
498	4/23/2020	Draft preliminary approval motion	3.5	EB	Settlement	Settlement
499	4/24/2020	Draft motion for preliminary approval of settlement	3.5	EB	Settlement	Settlement
500	4/28/2020	Draft motion for preliminary approval (2.8); draft declaration re notice (.3); review files for class notice	5.1	EB	Settlement	Settlement
501	5/4/2020	Review settlement agreement from defendants and compare to agreement revisions (1.0); email to Dan Gaustad re same (.1); draft template letters to Debt Class subclass re refund and Class Representatives re	2.4	EB	Settlement	Settlement
502	5/6/2020	Phone call with Ireland re settlement (.8); review and revise draft notice (.7)	1.5	EB	Settlement	Settlement
503	5/7/2020	Review defense redlines and approve, edit and revise settlement documents.	2.2	EB	Settlement	Settlement
504	5/7/2020	Draft letters regarding refund settlement to debt class refund class members	1.2	EB	Settlement	Settlement
505	5/21/2020	Draft letters to class representatives re final settlement agreement	1	EB	Settlement	Settlement
506						

A		B			C	D	E	F
Date	Task	Time	Attny	Time Attributed To	Task Category			
507	5/26/2020	Phone call with Class Rep Matthew Dyer re	0.3	EB	Settlement	Settlement		
508	7/13/2020	Finalize preliminary approval motion and accompanying documents for filing (.4); review chronology of tasks and calculate required proposed hearing date (.3); email and phone call with Dan	1.5	EB	Settlement	Settlement		
509	7/27/2020	Calendar dates for final approval deadlines	0.2	EB	Settlement	Settlement		
510	7/30/2020	Finalize class list and instruct staff on preparation of	0.5	EB	Settlement	Settlement		
511	8/6/2020	Letter to defense counsel regarding class notice (.2)	0.2	EB	Settlement	Settlement		
512	8/7/2020	Review and edit time for inclusion in motion for attorneys' fees and costs (2.5); update hourly rate	3.3	EB	Settlement	Settlement		
513	8/7/2020	Review and identify costs to seek in fee motion	2	EB	Settlement	Settlement		
514	8/10/2020	Legal research re fees under ADA and RLUIPA and Rule 23(h) in 8th Circuit (1.5)	1.7	EB	Settlement	Legal Research		
515	8/10/2020	review plaintiffs' counsel's time identified as spent on settled claims with 25% percentage cross-check	1.5	EB	Settlement	Settlement		
516	8/11/2020	Legal research re 8th Circuit fee motion cases in class actions (1.3); draft motion for attorneys' fees (2.5)	3.8	EB	Settlement	Legal Research		
517	8/12/2020	Draft declarations for fee motion	2.5	EB	Settlement	Settlement		
518	8/13/2020	Draft email to Dan Gaustad re timing of fee motion and legal research re same	0.3	EB	Settlement	Settlement		
519	8/13/2020	Draft letter to Andrew Olafson regarding objection to settlement	0.5	EB	Settlement	Settlement		
520	8/17/2020	Draft motion for attorneys' fees	5.5	EB	Settlement	Settlement		
521	8/18/2020	Draft motion for attorneys' fees	2.5	EB	Settlement	Settlement		
522			719.6					

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

RODNEY J. IRELAND, et al.,	)	Case No. 3:13-CV-0003-PDW-ARS
)	
Plaintiffs,	)	MOTION FOR ATTORNEYS' FEES AND
	)	COSTS
vs.)	
)	
CHRISTOPHER D. JONES, etc.,)	
et al,)	
)	
Defendants.)	
_____)	

DECLARATION OF CHRISTOPHER BRANCART
IN SUPPORT OF MOTION FOR ATTORNEYS' FEES AND COSTS

1. I am an attorney in good standing who is licensed to practice in the State of California, North Dakota, and Nevada, and admitted to the bar of this Court. I have personal knowledge of the matters set forth herein, and if called to testify, would and could competently testify to them.

Court Appointment in this Matter

2. In June 2013, Magistrate Judge Karen Klein called and asked if my firm would be willing to represent the plaintiffs in a recently filed case challenging the State of North Dakota's sex offender treatment program at the North Dakota State Hospital. Judge Klein was familiar with my work in civil rights and class actions. From 2004 to 2007 our firm had (unsuccessfully) represented a certified class of female inmates challenging conditions of confinement in the North Dakota and Judge Klein had overseen management of that litigation. *Roubideaux v. Department of Corrections and Rehabilitation*, No. A1-04-013 (D.N.D.). Between 2009 and 2012 our firm had

(successfully) represented a certified class of disabled tenants in a Fair Housing Act challenge to fees charged for emotional support animals. *Fair Housing of the Dakotas, Inc. v. Goldmark Property Management, Inc.*, No. 3:09-cv-58 (D.N.D.). Magistrate Judge Klein had also overseen management of that case. After speaking with my law partner Elizabeth Brancart we agreed to the court appointment.

Qualifications and Experience

3. I graduated with honors from the University of Texas School of Law in 1985. I clerked for the Honorable Vincent L. McKusick, the Chief Justice of the Maine Supreme Judicial Court, from 1985 to 1986. From 1987 to 1989, I worked as a staff attorney and later as the supervising attorney at the Legal Services Program in Pomona, California.

4. In September 1989, I began a private practice in partnership with Elizabeth Brancart intending to develop a public interest practice specializing in fair housing litigation. For over 25 years, federal fair housing litigation has been our firm's specialization. Almost all of our cases involve representing nonprofit organizations and persons, primarily of limited means, pursuant to state and federal fair housing laws. I have resolved well over 350 such cases. I currently represent plaintiffs in approximately 25 fair housing cases in the federal courts and state courts in California, as well as in this Court and the federal courts Nevada, Indiana, and Georgia.

5. In the course of my work, I have resolved hundreds of fair housing cases resulting in favorable settlement agreements and consent decrees. I have tried 16 fair housing cases on behalf of plaintiffs.

6. On average, I volunteer between three and five hours per week advising

and training fair housing groups and attorneys around the country on how to investigate or litigate fair housing cases. It was through that work that I came to represent fair housing plaintiffs in North Dakota (which in turn is how we came to represent the female prison inmates in the *Roubideaux* case).

7. I have lectured on fair housing topics at programs at Northwestern University School of Law (2015), Stanford Law School (2012, 2014), Boalt (2010, 2012, 2014), UCLA School of Law (2012, 2013), John Marshall School of Law (2010-2018), and University of North Dakota School of Law (2018). I have lectured at several bar events on fair housing topics, including the California State Bar in 2011, 2014 and 2016, and the North Carolina State Bar in 2013.

8. I have conducted trainings for federal and state agencies on fair housing laws, litigation and investigation, including the 2018 Fair Housing Conference sponsored by HUD Region V in Indianapolis, the Massachusetts Commission Against Discrimination in 2016, the Missouri Commission on Human Rights in 2016, the United States Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section in 2011 and 2015, HUD's Office of Fair Housing and Equal Opportunity in 2015 and 2017, California's Department of Fair Employment and Housing in 2019, HUD's Regional Conference on Fair Housing and Equal Opportunity in 2000, 2002, 2004, 2012, the Hawaii Civil Right Commission in 2012, HUD's Office of General Counsel in 2000, 2005, and 2012, and HUD's National Policy Conference in 2010.

9. Our firm has litigated many important fair housing cases, including *Meyer v. Holley*, 537 U.S. 280 (2003), *Pacific Shores v. City of Newport Beach*, 730 F.3d 1142 (9th Cir. 2013), cert denied 135 S. Ct. 436 (2014); and *Avenue 6E v. City of Yuma*, 818

F.3d 493 (9th Cir. 2016), cert. denied, 2016 WL 3486062 (Oct. 11, 2016).

10. In 2004, the Law Foundation of Silicon Valley awarded Brancart & Brancart the Honorable Robert F. Peckham Award for Outstanding Public Interest Litigation. In February 2009, I was recognized as a “Civil Rights Hero” by the California Department of Fair Employment and Housing for my work in fair housing.

Time Spent

11. Attached as Exhibit 1 to the Declaration of Elizabeth Brancart is a true and correct summary of my time records for the successful claims in this case. That summary was created based on my contemporaneous time entries which I made throughout my work on this litigation. I have reviewed and edited the entries contained on Exhibit 1, converting billing abbreviations into full text and made sure that all the work contained therein was accurately recorded and that no unnecessary work was included.

12. Brancart & Brancart took on the role of lead counsel in this case. I was responsible for the overall litigation strategy and management.

Hourly Rate Sought

13. My hourly rate charged to fee-paying clients in Fair Housing Act cases is \$650 as of 2019. The overwhelming bulk of our practice, however, is based on awards under the federal and state civil rights fee-shifting statutes, often in federal courts in states other than California. Most of our clients are lower income persons or non-profit organizations that cannot afford to pay out-of-pocket to pursue federal litigation.

Plaintiffs calculate the lodestar at an hourly rate of \$375 for my time spent on this case.

14. The majority of our fee awards are based on negotiated settlements

without court involvement or formal fee motions. Over the past five years I have obtained court-ordered fee awards based on the following hourly rates (in reverse chronological order):

- \$450 per hour for work performed in 2017-19 in the Southern District of Indiana (Indianapolis) by Judge Jane Magnus-Stinson in *Fair Housing Center of Central Indiana, Inc. v. Welton*, No. 1:18-cv-1098-JMS-DLP (S.D. Ind. May 7, 2020);
- \$450 per hour for work performed in 2016-17 by Judge William T. Lawrence of this district in *Fair Housing Center of Central Indiana, Inc. v. Smitley*, No. 1:16-cv-880-WTL-DML (S.D. Ind. July 3, 2018); and,
- \$500 per hour for work performed in 2014-16 by Judge Gonzalo Curiel in *Macias v. Lange*, 14-cv-2763-GPC (S.D. Cal. June 6, 2017).

* * *

I swear that the foregoing is true and correct under penalty of perjury. Executed this 21st day of August, 2020, at Pescadero, California.

/s/ Christopher Brancart

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

RODNEY J. IRELAND, et al.,)	
)	
Plaintiffs,)	
)	
v.	)	No. 3:13-cv-0003-PDW-ARS
)	
CHRISTOPHER D. JONES, etc., et al.,)	
)	
Defendants.)	

**DECLARATION OF JOEL FREMSTAD IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS**

I, Joel Fremstad, declare as follows:

1. I am an attorney in good standing admitted to practice in both North Dakota and Minnesota. I have personal knowledge of the matters set forth herein, and if called to testify, would and could competently testify to them.

2. I received my J.D. from the University of North Dakota School of Law with Distinction in 1997. After graduation I clerked for Justice Dale V. Sandstrom, Justice of the North Dakota Supreme Court. I spent nearly 9 years with the Nilles Law firm in Fargo. I then spent several years as in house counsel for the Marcil Group in Fargo and I founded Fremstad Law in 2008.

3. My practice areas include real estate, mergers and acquisitions, business formation, business/partnership disputes, contract disputes, commercial litigation, collections, and personal injury.

4. In June 2013, Judge Ralph Erickson and Magistrate Judge Karen Klein asked me to accept a court-appointment as local counsel to represent the plaintiffs in this case along with Christopher Brancart who would serve as lead counsel. I agreed and for the past

seven years Fremstad Law has served as local counsel on the case. We were appointed Class Counsel in 2016. James Teigland has been the attorney at the firm primarily responsible for work on this case.

5. My personal involvement has been limited. I have primarily monitored my firm's participation in the litigation and contributed my opinions and knowledge as needed. My time records indicate that I spent 11 hours on the case over the past seven years in, telephone calls, reviewing and approving documents and settlement positions, and in reviewing and responding to emails. That 11 hours is much less than I actually spent because I did not record time spent on every document, retainer agreement with our clients, phone calls or emails.

6. My current hourly rate charged to fee-paying clients is \$335.

7. Having practiced law in Fargo for the past 22 years, I am aware of the hourly rates charged by attorneys with skills, experience and reputation comparable to Christopher Brancart and Elizabeth Brancart. Those rates range from \$325 to more than \$400. Both Brancarts seek an hourly rate of \$375 in this case. Based upon my knowledge of the hourly rates charged by attorneys in Fargo with skills, experience and reputation comparable to the Brancarts, it is my opinion that an hourly rate of \$375 is an hourly rate that similar attorneys in Fargo would charge. I would emphasize that when I was first approached by Magistrate Klein and Judge Erickson, I reached out to multiple other Fargo attorneys as I knew I would need someone with more resources and experience to assist. I was unsuccessful in finding anyone locally to assist. This case would not have gotten to this point without the Brancarts and as such I frankly submit their requested rate is on the low end of what would be a fair hourly rate.

8. In my experience, the range of hourly rates for legal assistants/paralegals in Fargo can range from is \$120 to \$150, depending on accreditation and experience. It is the practice for firms in Fargo to bill separately for legal assistant/paralegal time.

9. When my firm accepted appointment as Plaintiffs' counsel it was with the knowledge that the only payment we would receive was if we were able to reach a favorable judgment or settlement. We have received no payment from any class member for our work on this case and the payment of our fees will be made only through approval of the proposed class action settlement.

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

Executed on August 20, 2020, at Fargo, North Dakota.

 /s/ Joel Fremstad

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

RODNEY J. IRELAND, et al.,)	
)	
Plaintiffs,)	
)	
v.	)	No. 3:13-cv-0003-PDW-ARS
)	
CHRISTOPHER D. JONES, etc., et al.,)	
)	
Defendants.)	

**DECLARATION OF JAMES TEIGLAND IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS**

I, James Teigland, declare as follows:

1. I am an attorney in good standing admitted to practice in both North Dakota and Minnesota. I have personal knowledge of the matters set forth herein, and if called to testify, would and could competently testify to them.

2. I received my J.D. from William Mitchell College of Law in 2013. After graduation I started my own firm where I took on criminal defense and family law cases. In 2014, my firm merged with Fremstad Law. Since that time my practice has focused on civil litigation and primarily commercial litigation. Since 2014, I have participated in at least five jury trials, five bench trials, dozens of contested evidentiary hearings, dozens of dispositive, approximately six arguments or cases in front of the North Dakota Supreme Court and have been involved in hundreds of lawsuits.

3. Since the fall of 2015, I have been the attorney at Fremstad Law primarily responsible for this case. Our firm has assisted in the litigation as local counsel in a number of ways. I have helped coordinate and attend the three settlement conferences before Magistrate Judge Senechal, I traveled to North Dakota State Hospital and met with clients

and accompanied plaintiffs' ADA expert Dr. Robin Wilson in his site inspection and class member interviews, I worked to obtain the documents responsive to plaintiffs' subpoena to the Collection Center, Inc. pertaining to the Debt Class claims, and I have appeared at the numerous telephonic status conferences, among other things. I spent 118.7 hours on those matters.

4. My current hourly rate is \$240. That is the rate Fremstad Law charges fee-paying clients for my work.

5. Other attorneys and legal professionals in our office also worked on this case. Their qualifications and hourly rates are set forth below.

6. Nick Thornton is an attorney with Fremstad Law. He graduated from the University of North Dakota School of Law with Distinction in 2006 and then clerked for Justice Carol Ronning Kapsner at the North Dakota Supreme Court. Mr. Thornton spent five years with the Fargo Public Defender's Office and joined Fremstad Law in 2013. He specializes in criminal defense law. Mr. Thornton's current hourly rate for fee-paying clients is \$300. Mr. Thornton spent 3 hours on this case consulting on preparing draft complaints and responding to a motion to dismiss, among other things.

7. Mark Western is an attorney with Fremstad Law. He graduated from the University of North Dakota School of Law with Distinction in 2007 and practiced with the Nilles Law firm for 10 years before joining Fremstad Law. Mr. Western specializes in civil litigation, including business litigation, insurance litigation, and personal injury. Mr. Western's current hourly rate for fee-paying clients is \$285. Mr. Western spent 4.2 hours on this case consulting on deposition preparation, which we believed at the time would be necessary to complete, among other things.

8. Michelle Hoppe, Marlene Schumacher, Lynne Spaeth, and Katy Tellinghuisen are either current or former paralegals with the Fremstad Law firm. Each of them has formal training as either legal assistants or paralegals. Collectively, the firm’s paralegals spent 24.9 hours on this matter. The work performed by them was important to the case and they performed work that I would have otherwise had to handle. Fremstad Law charges fee-paying clients \$145 per hour for work performed by paralegals.

9. Attached hereto as Exhibit A is a true and correct copy the time records kept contemporaneously in this case for the period of July 2013 to June 5, 2019. I have reviewed those records and removed any time that was duplicative or unnecessary. That actual amount of time the firm spent on the case was higher as the firm often did not record time for reviewing emails and documents or downloading documents or maintaining a file.

10. It is the practice of law firms in Fargo to bill clients separately for out-of-pocket expenses, including for court filing fees, experts, depositions, FedEx, private investigators, witness fees, service of process, travel costs, mileage, significant copying expenses, and postage, among other things.

11. Fremstad Law seeks reimbursement for the following litigation costs and expenses as set forth below. Each of those costs and expenses were actually and necessarily incurred in the litigation of this case and each has already been paid.

2016-05-26	Schumacher, Marlene	Ireland, et. al. - General	E125	1.00	\$164.000	\$164.00
Franklin Investigations service fee;						
2013-12-02	Hoppe, Michelle	Ireland, et. al. - General	E125			\$70.00
Fees paid to Burleigh County Sheriff re service of Summons and First Amended Complaint upon ND Department of Human Services and ND Department of Corrections;						
2013-12-02	Hoppe, Michelle	Ireland, et. al. - General	E125			\$30.00
Fees paid to Stutsman County Sheriff re service of Summons and First Amended Complaint upon ND State Hospital;						
2013-11-21	Hoppe, Michelle	Ireland, et. al. - General	E127	192.00	\$0.100	\$19.20
Copies of Summons and First Amended Complaint for service on 3 Defendants;						
records						
Search Total						\$283.20

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

Executed on August 20, 2020, at Fargo, North Dakota.

 /s/ James Teigland

EXHIBIT A

Timekeeper = All (Inactive Included)
 Group By Staff Category
 Client - Matter = General (Active Only)
 Task Code = All
 View = Original
 From 01-01-2008 To 06-05-2019

Time Entries
Fremstad Law Firm

Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
------	--------	----------	---------------	------	------------	-------	------	----------	------	--------

Ireland, et. al.

General

08-27-2014	Billed		Billable	Review proposed Amended Complaint and Declaration of C. Bancart;	Bee, Sherrie			0.300	0.00	0.00
Timekeeper Total 0.300 0.00 0.00										
Burlingame, Maggie										
10-17-2016	Billed		Billable	Receive and review Declaration of Jeffrey Wright	Burlingame, Maggie			0.100	0.00	0.00
Timekeeper Total 0.100 0.00 0.00										

Fremstad, Joel

07-01-2013	Billed		Billable	Review various materials from Attorney Johnson Aldrich;	Fremstad, Joel			1.000	0.00	0.00
07-11-2013	Billed		Billable	Review letter and materials from Attorney Johnson;	Fremstad, Joel			0.400	0.00	0.00
12-12-2013	Billed		Billable	Review motion and brief in support of motion to dismiss; initial research re Rook-Feldman and Younger Abstention; email to Attorney Brancart re same;	Fremstad, Joel			1.000	0.00	0.00
12-13-2013	Billed		Billable	Emails from and to Attorney Brancart; emails from and to Attorney Bahr;	Fremstad, Joel			0.200	0.00	0.00
12-23-2013	Billed		Billable	Emails from and to Doug Bahr and Chris Brancart;	Fremstad, Joel			0.400	0.00	0.00
02-19-2014	Billed		Billable	Rule 26 conference with counsel; research re proceedings in Minnesota action;	Fremstad, Joel			1.200	0.00	0.00
08-25-2014	Billed		Billable	Emails between counsel re discovery conference;	Fremstad, Joel			0.100	0.00	0.00
08-26-2014	Billed		Billable	Telephone conference with counsel re scheduling and confidentiality;	Fremstad, Joel			1.200	0.00	0.00
09-16-2014	Billed		Billable	Telephone scheduling conference with Attorney Bahr and Magistrate Klein;	Fremstad, Joel			1.000	0.00	0.00
09-22-2014	Billed		Billable	Review draft confidentiality proposal and email from Attorney Bahr; review various cited provisions and email to Attorney Bahr re same;	Fremstad, Joel			1.200	0.00	0.00
11-02-2014	Billed		Billable	Emails from and to Attorney Bahr;	Fremstad, Joel			0.100	0.00	0.00
02-16-2015	Billed		Billable	Review and comment on Third Amended Complaint; emails from and to Chris re same;	Fremstad, Joel			1.500	0.00	0.00

06-05-2019 14:50:09



Time Entries
Fremstad Law Firm

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 Task Code = All
 View = Original
 From 01-01-2008 To 06-05-2019

Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<u>Ireland, et. al.</u>										
<u>General</u>										
Fremstad, Joel										
03-06-2015	Billed		Billable	Review and review brief re Report and Recommendation; email to Attorney Brancart re same;	Fremstad, Joel			0.500	0.00	0.00
01-25-2017	Billed		Billable	Conference with Attorneys Brancart and Brancart; conference with Attorneys Teigland and Thornton;	Fremstad, Joel			1.200	0.00	0.00
08-10-2017	Billed		Billable	Conference between Plaintiffs' counsel to discuss status and strategy;	Fremstad, Joel			0.700	0.00	0.00
						Timekeeper Total		11.700		0.00
<u>Hoppe, Michelle</u>										
11-20-2013	Billed		Billable	Research address information for Defendants; prepare letters to Burleigh County Sheriff and Stutsman County Sheriff re service request;	Hoppe, Michelle			0.600	0.00	0.00
12-05-2013	Billed		Billable	Electronically file Sheriff's Returns for Amended Complaint with Court;	Hoppe, Michelle			0.400	0.00	0.00
						Timekeeper Total		1.000		0.00
<u>Langton, Chelsea</u>										
09-13-2017	Billed		Billable	Draft motion and conduct research for court to pay for expert witness.	Langton, Chelsea			2.000	75.00	150.00
09-18-2017	Billed		Billable	Continue to draft and revise motion for court to appoint expert witness;	Langton, Chelsea			0.500	75.00	37.50
						Timekeeper Total		2.500		187.50
<u>Schumacher, Marlene</u>										
09-22-2016	Billed		Billable	Print Notice of Status Conference; calendar for Attorney Teigland for 10/26/16 @2:00;	Schumacher, Marlene			0.200	0.00	0.00
09-27-2016	Billed		Billable	Print and review emails; file same;	Schumacher, Marlene			0.100	0.00	0.00
10-26-2016	Billed		Billable	Print and review multiple emails received from the Court; file;	Schumacher, Marlene			0.300	0.00	0.00
10-27-2016	Billed		Billable	Review pleadings; calendar deadline and due dates; organize and update file;	Schumacher, Marlene			0.200	0.00	0.00
11-08-2016	Billed		Billable	Print and review multiple emails from the Court; organize and update file;	Schumacher, Marlene			0.600	0.00	0.00
11-15-2016	Billed		Billable	Print and review multiple emails from the Court; organize and update file;	Schumacher, Marlene			0.300	0.00	0.00
11-21-2016	Billed		Billable	Print and review documents filed with the Court;	Schumacher, Marlene			0.300	0.00	0.00

Time Entries
Fremstad Law Firm

Timekeeper = All (Inactive Included)
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 Client - Matter = General (Active Only)
 Task Code = All
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 From 01-01-2008 To 06-05-2019

Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<u>Ireland, et. al.</u>										
<u>General</u>										
11-28-2016	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.100	0.00	0.00
12-01-2016	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.300	0.00	0.00
12-05-2016	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.200	0.00	0.00
12-06-2016	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.100	0.00	0.00
12-27-2016	Billed		Billable	Print and review Notice of Status Conference; calendar hearing date and time; organize and update file;	Schumacher, Marlene			0.300	0.00	0.00
01-03-2017	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.100	0.00	0.00
01-05-2017	Billed		Billable	Print and review email from Court;	Schumacher, Marlene			0.100	0.00	0.00
01-09-2017	Billed		Billable	Print and review emails from Court;	Schumacher, Marlene			0.100	0.00	0.00
01-12-2017	Billed		Billable	Print and review documents received from Court;	Schumacher, Marlene			0.100	0.00	0.00
01-16-2017	Billed		Billable	Print and review document from Court; organize and update file;	Schumacher, Marlene			0.100	0.00	0.00
01-18-2017	Billed		Billable	Print and review document received from Court; calendar status conference hearing;	Schumacher, Marlene			0.300	0.00	0.00
01-25-2017	Billed		Billable	Print and review document from Court;	Schumacher, Marlene			0.200	0.00	0.00
01-26-2017	Billed		Billable	Print and review documents received from Court;	Schumacher, Marlene			0.100	0.00	0.00
02-02-2017	Billed		Billable	Print and review document from Court; print documents off Pacer requested by Attorney Teigland for his review and use;	Schumacher, Marlene			0.600	0.00	0.00
02-06-2017	Billed		Billable	Print and review document received from Court;	Schumacher, Marlene			0.100	0.00	0.00
02-07-2017	Billed		Billable	Print Notice of Hearing received from Court; calendar hearing date and time;	Schumacher, Marlene			0.100	0.00	0.00
02-08-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00

Time Entries

Fremstad Law Firm

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 Task Code = All
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 From 01-01-2008 To 06-05-2019

Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
Ireland, et. al.										
General										
Schumacher, Marlene										
Scan and email to Attorneys Chris and Liz Brancart copies of letter to Jeffrey Wright from Attorney Teigland and letter received from Jeffrey Wright;										
02-09-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review documents received from the Court;						
02-14-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review document received from Court;						
02-15-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order received from the Court;						
02-20-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review documents received from the Court;						
02-22-2017	Billed		Billable		Schumacher, Marlene			0.400	0.00	0.00
				Print and review Orders received from Court;						
02-23-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Motion for Extension of Time to Reply received from Court;						
03-02-2017	Billed		Billable		Schumacher, Marlene			0.300	0.00	0.00
				Print and review Motion received from the Court; review email from Attorney Fremstad re disk received from Attorney Gaustad;						
03-03-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review documents received from Court;						
03-06-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review documents received from Court; calendar hearing date; print and review email to Attorney Kranda re Stipulation to Produce;						
03-08-2017	Billed		Billable		Schumacher, Marlene			0.600	0.00	0.00
				Office conference with Attorney Teigland re Stipulation; draft Affidavit of Service; scan and electronically file and serve Stipulation to Approve Order, Order to Produce and Affidavit of Service;						
03-09-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review documents received from the Court;						
03-13-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review documents received from Court;						
03-15-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review document received from Court;						
03-21-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Notice of Substitution received from the Court;						
03-22-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order received from the Court;						
03-30-2017	Billed		Billable		Schumacher, Marlene			0.400	0.00	0.00

Time Entries
Fremstad Law Firm

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 From 01-01-2008 To 06-05-2019

Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<u>Ireland, et. al.</u>										
<u>General</u>										
Schumacher, Marlene										
		Print and review Notice of Rescheduled Hearing received from the Court; calendar new hearing date;								
04-06-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Motion for Reconsideration;								
04-10-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review document received from Court;								
04-11-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Notice of Hearing received from Court; calendar hearing notice;								
04-13-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Notice of Hearing received from Court; calendar hearing date;								
04-24-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Response to Motion; Notice of Interlocutory Appeal; print and review email received from Attorneys Brancart re 8th Circuit Court of Appeals admission;								
04-25-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Docket notice from Court;								
04-27-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Motion for Reconsideration;								
05-01-2017	Billed		Billable		Schumacher, Marlene			0.300	0.00	0.00
		Print and review Order Denying Motion for Reconsideration; print and review Notice of Appearance for 8th Circuit Court of Appeals; calendar brief deadline;								
05-02-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Appeal documents received from the Court;								
05-09-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
		Print documents received from the Court;								
05-11-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review document Notice of Appearance received from Court;								
05-16-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Stipulation of Dismissal;								
05-18-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review Status Report received from Court;								
05-22-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review documents received from the Court;								
05-24-2017	Billed		Billable		Schumacher, Marlene			0.300	0.00	0.00
		Print, review and calendar Notice of Status Conference received from the Court;								
05-25-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
		Print and review documents received from Court;								

Timekeeper = All (Inactive Included)
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 From 01-01-2008 To 06-05-2019

Time Entries
Fremstad Law Firm

Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<i>Ireland, et. al.</i>										
<u>General</u>										
Schumacher, Marlene										
05-30-2017	Billed		Billable	Print and review Order received from the Court; calendar status conference;	Schumacher, Marlene			0.200	0.00	0.00
05-31-2017	Billed		Billable	Print and review Motion to Set Aside Judgment of Dismissal;	Schumacher, Marlene			0.100	0.00	0.00
06-01-2017	Billed		Billable	Print and review Judgment received from the Court; print and review Order re ESI discovery received from the Court; print and review USCA Judgment received from the Court;	Schumacher, Marlene			0.200	0.00	0.00
06-05-2017	Billed		Billable	Print and review Motion for Leave; print and review Stipulation Regarding Objection to Discovery Orders;	Schumacher, Marlene			0.200	0.00	0.00
06-06-2017	Billed		Billable	Print and review Motion to Compel Defendants to Produce Redacted Copies of Documents;	Schumacher, Marlene			0.200	0.00	0.00
06-08-2017	Billed		Billable	Print and review Order Adopting Stipulation;	Schumacher, Marlene			0.100	0.00	0.00
06-12-2017	Billed		Billable	Print and review Status Report received from the Court;	Schumacher, Marlene			0.100	0.00	0.00
06-15-2017	Billed		Billable	Print and review Response to Motion for Leave;	Schumacher, Marlene			0.100	0.00	0.00
06-19-2017	Billed		Billable	Print and review Status Report; print and review Response to Motion to Compel;	Schumacher, Marlene			0.100	0.00	0.00
06-22-2017	Billed		Billable	Print and review Reply to Response to Motion;	Schumacher, Marlene			0.100	0.00	0.00
06-26-2017	Billed		Billable	Print and review Notice of Hearing and Reply to Motion; calendar hearing date;	Schumacher, Marlene			0.100	0.00	0.00
06-29-2017	Billed		Billable	Print and review Mandate received from Eighth Circuit Court of Appeals;	Schumacher, Marlene			0.200	0.00	0.00
07-05-2017	Billed		Billable	Print and review documents received from the Court;	Schumacher, Marlene			0.200	0.00	0.00
07-06-2017	Billed		Billable	Print and review documents received from the Court;	Schumacher, Marlene			0.200	0.00	0.00
07-10-2017	Billed		Billable	Print and review Order received from the Court;	Schumacher, Marlene			0.100	0.00	0.00
07-13-2017	Billed		Billable	Print and review Order received from the Court;	Schumacher, Marlene			0.100	0.00	0.00
07-26-2017	Billed		Billable	Print and review Order received from the Court;	Schumacher, Marlene			0.100	0.00	0.00

Time Entries
Fremstad Law Firm

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Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<u>Ireland, et. al.</u>										
<u>General</u>										
Schumacher, Marlene										
				Print and review document received from the Court;						
07-31-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Status Report;						
08-01-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Motion for Extension of Time to Complete Discovery; print and review text order received from the Court;						
08-07-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Order received from the Court; print and review Status Report;						
08-09-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Minute Entry proceedings received from Court; print and review text Order received from the Court re completion for discovery;						
08-14-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order received from Court;						
08-15-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Objection filed by State of ND;						
08-28-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Response to Objection to Report & Recommendation;						
09-18-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order received from the Court;						
09-19-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order received from the Court;						
09-24-2017	Billed		Billable		Schumacher, Marlene			0.300	0.00	0.00
				Print and review Status Report received from the Court; print and review Notice of Status Conference received from Court; calendar hearing notice; print and review minute proceedings;						
10-03-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Motion for Discovery;						
10-04-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review docket correction received from the Court;						
10-09-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Notice of Status Conference hearing received from the Court;						
10-10-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order re settlement conference received from the Court;						
10-17-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Response to Motion;						
10-24-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Status Report received from the Court;						

Time Entries

Fremstad Law Firm

Timekeeper = All (Inactive Included)
 Group By Staff Category
 Client - Matter = General (Active Only)
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Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<u>General</u>										
Schumacher, Marlene										
10-26-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review minute entry received from the Court re status conference;						
10-30-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Second Order received from the Court re Post March 2017 Evidence;						
11-02-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order Reassigning Case to Judge Hovland;						
11-09-2017	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Motion for Partial Summary Judgment received from Court;						
11-22-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Notice of Hearing/Settlement Conference received from the Court; calendar settlement conference;						
12-04-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Motion for Extension of Time to File Response; print and review Text Order received from the Court;						
12-14-2017	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Minutes of Settlement Conference received from the Court;						
02-12-2018	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Print and review Motion for Extension of Time to File Response; print and review Response to Motion for Extension of Time to File Response;						
02-13-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Order Granting Motion to Extend Time to File Response; print and review reset of deadlines;						
02-22-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Motion for Extension of Time;						
03-12-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Notice of Hearing - Status Conference received from Court;						
03-19-2018	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
				Calendar status conference hearing;						
03-22-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Minute Entry re Satus Conference;						
03-26-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Notice of Status Conference Hearing; calendar hearing;						
04-02-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Response to Motion, Motion and Notice;						
04-03-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
				Print and review Affidavit of Kyle Aune;						
04-09-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
06-05-2019 14:50:09										

Time Entries
Fremstad Law Firm

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Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<i>Ireland, et. al.</i>										
General										
Schumacher, Marlene										
		Print and receive text Order Granting Motion for Leave to File Under Seal;			Schumacher, Marlene			0.100	0.00	0.00
04-11-2018	Billed		Billable							
		Print and review Sealed Documents and Affidavit of Terry Greak;			Schumacher, Marlene			0.200	0.00	0.00
04-16-2018	Billed		Billable							
		Print and review Stipulation re Employment of Mathew V. Jensen; print and review Motion and Order Adopting Stipulation; print and review Text Order re Motion for Leave; print and review Response to Motion for Partial Summary Judgment;			Schumacher, Marlene			0.200	0.00	0.00
04-23-2018	Billed		Billable							
		Print and review Stipulation to Amend Scheduling Order; print and review text order only received from the Court;			Schumacher, Marlene			0.100	0.00	0.00
04-30-2018	Billed		Billable							
		Print and review Minute Entry from Court re status conference;			Schumacher, Marlene			0.200	0.00	0.00
05-02-2018	Billed		Billable							
		Print and review Notice of Hearing - Status Conference from Court; calendar hearing date;			Schumacher, Marlene			0.200	0.00	0.00
05-07-2018	Billed		Billable							
		Print and review Defendants' Motion to Request to File Citation of Supplemental Authority; Reply to Motion for Partial SJ; Order re Granting Unopposed Motion; Supplemental Citation;			Schumacher, Marlene			0.300	0.00	0.00
05-17-2018	Billed		Billable							
		Print and review Notice of Rescheduled Status Conference; calendar status conference hearing;			Schumacher, Marlene			0.100	0.00	0.00
05-21-2018	Billed		Billable							
		Print and review Response to Motion for Partial Summary Judgment;			Schumacher, Marlene			0.300	0.00	0.00
06-21-2018	Billed		Billable							
		Print and review Minutes of status conference held on 6/21/18; print and review Notice of Status Conference Hearing received from the Court; calendar status conference hearing;			Schumacher, Marlene			0.200	0.00	0.00
07-09-2018	Billed		Billable							
		Print and review Notice of Status Conference; calendar hearing date;			Schumacher, Marlene			0.200	0.00	0.00
07-16-2018	Billed		Billable							
		Print and review minute entry re discovery conference;			Schumacher, Marlene			0.100	0.00	0.00
07-17-2018	Billed		Billable							
		Print and review document received from Court;			Schumacher, Marlene			0.100	0.00	0.00
07-18-2018	Billed		Billable							
		Print and review Stipulation re deadlines;			Schumacher, Marlene			0.100	0.00	0.00
07-19-2018	Billed		Billable							
		Print and review text order only received from the Court;			Schumacher, Marlene			0.100	0.00	0.00
07-31-2018	Billed		Billable							
		Print and review Report and Recommendation by Magistrate Judge Senechal re Motion for Partial Summary Judgment;			Schumacher, Marlene			0.200	0.00	0.00
08-13-2018	Billed		Billable							
06-05-2019	14:50:09									

Time Entries
Fremstad Law Firm

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Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
<i>Ireland, et. al.</i>										
<u>General</u>										
Schumacher, Marlene										
Print and review Oder Granting Plaintiffs' Motion for Discovery re subpoenas;										
08-20-2018	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
Print and review Objection received from the Court; print and review Objection received from NDDHS;										
08-23-2018	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
Print and review Minute Entry Proceedings received from the Court;										
08-27-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Notice of Hearing/Status of Conference received from the Court; calendar hearing date/time;										
09-04-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Motion for Leave to File Citation;										
09-05-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Order Granting Motion for Leave received from the Court; print and review Supplemental Citation of Supplemental Authority;										
09-10-2018	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
Print and review Brief re Motion for Discovery; print and review Order granting in party Motion for Discovery;										
09-17-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Objection by NDDHS; print and review Response to Objection;										
09-18-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Response to Objection filed by NDDHS;										
10-18-2018	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Text Order and Minute Entry for Proceedings received from Court;										
01-15-2019	Billed		Billable		Schumacher, Marlene			0.200	0.00	0.00
Print and review Order re Adopting in Part Report and Recommendations and Granting Motion for Partial Summary Judgment;										
03-25-2019	Billed		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Minute Entry proceedings re Settlement Conference;										
05-06-2019	Pending		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Notice of Hearing received from the court; calendar hearing time and date;										
05-08-2019	Pending		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Stipulation of Dismissal re DOCR Defendants;										
05-14-2019	Pending		Billable		Schumacher, Marlene			0.100	0.00	0.00
Print and review Order Adopting Stipulation of Dismissal to DOCR Defendants;										
									Timekeeper Total	0.00
Spaeth, Lynne										
12-15-2014	Billed		Billable		Spaeth, Lynne			0.200	0.00	0.00
Review and update file with Notice of Rescheduled Hearing; update calendar and docket list;										

Time Entries
Fremstad Law Firm

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 From 01-01-2008 To 06-05-2019

Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount	
<i>Ireland, et. al.</i>											
General											
04-23-2015	Billed		Billable	Receive notices of status conferences; calendar dates;	Spaeth, Lynne			0.200	0.00	0.00	
07-23-2015	Billed		Billable	Receive numerous e-filings regarding Order and Petition Authorizing Disclosure for client and other Defendants;	Spaeth, Lynne			0.800	0.00	0.00	
08-17-2015	Billed		Billable	Prepare documents for hearing;	Spaeth, Lynne			0.100	0.00	0.00	
08-19-2015	Billed		Billable	Calendar deadlines from Court's Order regarding policies on sex offender treatment programs;	Spaeth, Lynne			0.200	0.00	0.00	
08-25-2015	Billed		Billable	Receive and review various electronic filings regarding motion documents;	Spaeth, Lynne			0.200	0.00	0.00	
									Timekeeper Total	1.700	0.00
Teigland, James											
08-18-2015	Billed		Billable	Attend preliminary injunction hearing;	Teigland, James			5.500	0.00	0.00	
09-16-2015	Billed		Billable	Review motion for summary judgment;	Teigland, James			0.800	0.00	0.00	
09-17-2015	Billed		Billable	Continue reviewing motion for summary judgment to provide feedback;	Teigland, James			1.000	0.00	0.00	
09-21-2015	Billed		Billable	Draft memo re review of summary judgment motion;	Teigland, James			0.800	0.00	0.00	
09-23-2015	Billed		Billable	Memo to Chris re motion for summary judgment;	Teigland, James			1.200	0.00	0.00	
09-25-2015	Billed		Billable	Review motion to compel discovery; research HIPAA privacy rules;	Teigland, James			0.500	0.00	0.00	
10-12-2015	Billed		Billable	Review various court filings and emails from Chris and Elizabeth and provide feedback re the same;	Teigland, James			0.200	0.00	0.00	
12-30-2015	Billed		Billable	Review preliminary injunction filings; email to Chris and Elizabeth with feedback re the same;	Teigland, James			1.200	0.00	0.00	
01-11-2016	Billed		Billable	Review numerous emails from Chris and Elizabeth Brancart re various discovery issues; review ECF 288, 289, and 303 to prepare for discovery conference; emails to Chris and Elizabeth re the same;	Teigland, James			1.600	0.00	0.00	
01-13-2016	Billed		Billable	Review memo from Chris Brancart; begin drafting brief in support of motion to compel;	Teigland, James			1.200	0.00	0.00	
01-14-2016	Billed		Billable		Teigland, James			1.500	0.00	0.00	

Time Entries
Fremstad Law Firm

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Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount
Ireland, et. al.										
General										
Teigland, James										
Review documents produced pertaining to McGrath;										
01-15-2016	Billed		Billable		Teigland, James			3.000	0.00	0.00
Continue researching and drafting brief to compel discovery; review various case law re disclosing expert witnesses;										
01-19-2016	Billed		Billable		Teigland, James			3.400	0.00	0.00
Legal research at Federal Law Library re experts retained for trial preparation, waiver of objections, and privilege and work product claims;										
01-20-2016	Billed		Billable		Teigland, James			3.800	0.00	0.00
Continue drafting brief in support of motion to compel discovery requests; continue review federal case law re expert witnesses;										
01-21-2016	Billed		Billable		Teigland, James			8.000	0.00	0.00
Continue drafting memorandum in support of motion to compel; begin drafting affidavit of Chris Brancart in support of motion; finalize first draft of memorandum in support of motion to compel; begin revising memorandum in support of motion to compel; finalize draft affidavit of Chris Brancart; finalize draft memo in support of motion to compel; email to Chris and Elizabeth re motion to compel, document review, and affidavit;										
04-26-2016	Billed		Billable		Teigland, James			0.900	0.00	0.00
Telephone call to Brancart office; telephone call to Tracy Hines; email to Tracy Hines; email to Brancart re non SDI confined persons;										
04-27-2016	Billed		Billable		Teigland, James			1.400	0.00	0.00
Prepare clients' declarations for signing; telephone call with Chris Brancart;										
04-28-2016	Billed		Billable		Teigland, James			0.400	0.00	0.00
Office conference with process server; finalize envelopes; emails re signing declarations;										
05-10-2016	Billed		Billable		Teigland, James			0.400	0.00	0.00
Telephone calls to clients re ongoing concerns;										
05-17-2016	Billed		Billable		Teigland, James			0.400	0.00	0.00
Email from Martha Leitchinger; email to Martha re response to Terry Greak;										
05-26-2016	Billed		Billable		Teigland, James			2.500	0.00	0.00
Prepare brief in support of motion to compel discovery;										
06-02-2016	Billed		Billable		Teigland, James			0.500	0.00	0.00
Prepare letter re CCI subpoena;										
06-07-2016	Billed		Billable		Teigland, James			3.000	0.00	0.00
Prepare for telephonic appearance; telephone calls to Doug Bar and Todd Kranda;										
06-20-2016	Billed		Billable		Teigland, James			1.600	0.00	0.00
Review emails re subpoena production;										
06-21-2016	Billed		Billable		Teigland, James			1.900	0.00	0.00
Email re telephone conference; continue drafting proposed order; attend status conference by phone; revise proposed order;										
07-25-2016	Billed		Billable		Teigland, James			0.300	0.00	0.00
Review status of file to prepare for status conference - review status conference update;										

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Ireland, et. al.										
General										
07-26-2016	Billed		Billable	Email to Parties re phone number for status conference; status conference with Court;	Teigland, James			0.900	0.00	0.00
09-06-2016	Billed		Billable	Review emails re discovery conferences and calendar court conference;	Teigland, James			0.100	0.00	0.00
09-21-2016	Billed		Billable	Review recent emails to prepare for conference; attend status conference;	Teigland, James			1.500	0.00	0.00
09-22-2016	Billed		Billable	Review report and recommendation re motion for summary judgment;	Teigland, James			0.200	0.00	0.00
10-07-2016	Billed		Billable	Email from Liz Brancart re signing declaration; correspondence to Jeff Wright;	Teigland, James			0.400	0.00	0.00
10-25-2016	Billed		Billable	Review various emails re discovery; return voicemail left on behalf of Jeffrey Wright; correspondence to Jeff Wright confirming receipt of declaration;	Teigland, James			0.400	0.00	0.00
10-26-2016	Billed		Billable	Review emails to prepare for status conference;	Teigland, James			0.700	0.00	0.00
11-03-2016	Billed		Billable	Prepare for discovery conference; participate in discovery conference with Court;	Teigland, James			1.100	0.00	0.00
12-06-2016	Billed		Billable	Discovery conference call with Brancarts and Dan Gaustad;	Teigland, James			1.000	0.00	0.00
12-13-2016	Billed		Billable	Receive and review multiple emails from Court and counsel for defendants re scheduling and discovery; email from and to Brancarts re motions for sanctions;	Teigland, James			0.500	0.00	0.00
12-21-2016	Billed		Billable	Review multiple court filings to prepare for conference; participate in status conference;	Teigland, James			1.100	0.00	0.00
12-22-2016	Billed		Billable	Discovery conference call with Court;	Teigland, James			0.800	0.00	0.00
01-13-2017	Billed		Billable	Participate in status conference;	Teigland, James			1.000	0.00	0.00
01-26-2017	Billed		Billable	Review judge's order on discovery dispute and qualified protective order;	Teigland, James			0.200	0.00	0.00
01-31-2017	Billed		Billable	Review multiple emails re subpoena issue; telephone call to Chris Brancart; email to Todd Kranda; begin drafting order to produce;	Teigland, James			1.200	0.00	0.00
02-02-2017	Billed		Billable	Send and receive emails re telephone conference for 2/3; begin drafting correspondence to Jeff Wright re status of motion;	Teigland, James			0.400	0.00	0.00
02-03-2017	Billed		Billable		Teigland, James			1.300	0.00	0.00

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<u>Ireland, et. al.</u>										
<u>General</u>										
Teigland, James										
				Participate in Court Status Conference;						
02-07-2017	Billed		Billable		Teigland, James			0.500	0.00	0.00
				Prepare correspondence to Jeff Wright;						
02-09-2017	Billed		Billable		Teigland, James			0.300	0.00	0.00
				Email to Liz and Chris re e-discovery issues;						
02-16-2017	Billed		Billable		Teigland, James			0.400	0.00	0.00
				Continue revising CCI subpoena; email to Todd and Brancarts re the same;						
02-17-2017	Billed		Billable		Teigland, James			0.400	0.00	0.00
				Telephone call from Jeff Wright; email to Tyler Morrow;						
03-02-2017	Billed		Billable		Teigland, James			0.500	0.00	0.00
				Review various emails re discovery and joint status report; email to Dan Gaustad re inadvertent disclosure; email to Todd Kranda re subpoena response; email to Brancarts re the same;						
03-03-2017	Billed		Billable		Teigland, James			0.900	0.00	0.00
				Prepare for status conference; participate in status conference;						
03-06-2017	Billed		Billable		Teigland, James			0.400	0.00	0.00
				Receive correspondence from Dan Gaustad re returning CD; correspondence to Dan re the same; prepare stipulation to approve production; email to Todd Kranda re the same;						
03-07-2017	Billed		Billable		Teigland, James			0.200	0.00	0.00
				Finalize CCI stipulation;						
03-09-2017	Billed		Billable		Teigland, James			0.200	0.00	0.00
				Receive and review order re CCI document production; email to attorney Todd Kranda re the same;						
03-21-2017	Billed		Billable		Teigland, James			0.100	0.00	0.00
03-30-2017	Billed		Billable		Teigland, James			0.200	0.00	0.00
				Review emails re scheduling conference;						
04-12-2017	Billed		Billable		Teigland, James			1.600	0.00	0.00
				Review various emails and joint status report to prepare for court conference; participate in status conference;						
05-19-2017	Billed		Billable		Teigland, James			1.600	0.00	0.00
				Prepare for status conference; status conference with Court;						
06-30-2017	Billed		Billable		Teigland, James			1.000	0.00	0.00
				Participate in status conference;						
08-08-2017	Billed		Billable		Teigland, James			1.200	0.00	0.00
				Participate in status conference;						
08-10-2017	Billed		Billable		Teigland, James			1.000	0.00	0.00
				Prepare for telephone conference between Fremstad and Brancart firms; telephone conference with Liz, Chris, Joel, Mark, and Katy;						
09-07-2017	Billed		Billable		Teigland, James			0.400	0.00	0.00
06-05-2019 14:50:09										

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<u>Ireland, et. al.</u>										
<u>General</u>										
Teigland, James										
09-08-2017	Billed		Billable	Telephone call from John Westlie and email to Brancarts re the same;	Teigland, James			0.700	0.00	0.00
09-21-2017	Billed		Billable	Review file for SDJ timelines prepared by state to prepare for review; telephone call to John Westlie re issue funeral/family death policy; email to Brancarts re Westlie telephone call;	Teigland, James			0.500	0.00	0.00
09-26-2017	Billed		Billable	Participate in status conference; email to Brancarts re settlement conference prep;	Teigland, James			0.200	0.00	0.00
10-08-2017	Billed		Billable	Review Sex Offender Litigation Resource Center website; email to Brancarts re the same;	Teigland, James			0.100	0.00	0.00
10-25-2017	Billed		Billable	Review emails re scheduling status conference and reschedule status conference on calendar;	Teigland, James			0.800	0.00	0.00
11-16-2017	Billed		Billable	Prepare for status conference - review joint status report; participate in status conference;	Teigland, James			1.500	0.00	0.00
11-17-2017	Billed		Billable	Prepare for mediation - review mediation statements;	Teigland, James			8.500	0.00	0.00
12-12-2017	Billed		Billable	Settlement conference;	Teigland, James			0.500	0.00	0.00
12-13-2017	Billed		Billable	Prepare for settlement conference - review mediation statements, correspondence, etc.;	Teigland, James			8.000	0.00	0.00
03-22-2018	Billed		Billable	Settlement conference;	Teigland, James			0.600	0.00	0.00
04-27-2018	Billed		Billable	Email re telephone call; prepare for status conference - review recent filings on Pacer; participate in status conference;	Teigland, James			0.400	0.00	0.00
06-20-2018	Billed		Billable	Prepare for status conference - review emails exchanged between the parties; participate in status conference;	Teigland, James			0.100	0.00	0.00
06-21-2018	Billed		Billable	Emails from and to Brancarts re hospital visit;	Teigland, James			0.200	0.00	0.00
08-08-2018	Billed		Billable	Participate in status conference;	Teigland, James			9.000	0.00	0.00
08-09-2018	Billed		Billable	Prepare for State Hospital Tour; travel to State Hospital; tour of facilities; meet with class members; travel from State Hospital to Fargo;	Teigland, James			6.500	0.00	0.00
08-10-2018	Billed		Billable	Travel to State Hospital; meet with class members and Dr. Wilson; return to Fargo;	Teigland, James			0.200	0.00	0.00
				Email to Brancarts re interviews;						

Time Entries
Fremstad Law Firm

Timekeeper = All (Inactive Included)
 Group By Staff Category
 Client - Matter = General (Active Only)
 Task Code = All
 View = Original
 From 01-01-2008 To 06-05-2019

Date	Status	Approval	Billable Type	Task	Timekeeper	Start	Stop	Duration	Rate	Amount	
Ireland, et. al.											
General											
08-23-2018	Billed		Billable	Status conference;	Teigland, James			0.400	0.00	0.00	
09-13-2018	Billed		Billable	Review draft response to objection to report and recommendation and email to Chris re suggestions;	Teigland, James			0.300	0.00	0.00	
10-18-2018	Billed		Billable	Status conference;	Teigland, James			0.500	0.00	0.00	
03-20-2019	Billed		Billable	Prepare for settlement conference - review mediation statements;	Teigland, James			0.500	0.00	0.00	
03-21-2019	Billed		Billable	Continue preparing for settlement conference and attend settlement conference;	Teigland, James			8.500	0.00	0.00	
									Timekeeper Total	118.700	0.00
Tellinghuisen, Katy											
12-21-2016	Billed		Billable	Phone call to the U.S. Clerk of Court regarding confirm status hearing;	Tellinghuisen, Katy			0.100	0.00	0.00	
07-25-2017	Billed		Billable	Office conference with Attorney Thornton, Attorney Teigland, Attorney Fremstad and Attorney Western regarding next steps and scheduling teleconference; phone call to Attorney Branchart regarding scheduling teleconference; update calendars with meeting for Attorney Thornton, Attorney Teigland, Attorney Fremstad, and Attorney Western;	Tellinghuisen, Katy			0.200	0.00	0.00	
07-26-2017	Billed		Billable	Phone call to Attorney Branchart regarding rescheduling teleconference with Attorneys Fremstad, Thornton, Teigland, and Western;	Tellinghuisen, Katy			0.100	0.00	0.00	
08-10-2017	Billed		Billable	Telephone call with Attorneys Chris and Elizabeth Branchart regarding status of case, depositions, and timeline summaries;	Tellinghuisen, Katy			0.300	0.00	0.00	
08-28-2017	Billed		Billable	Print off and download documents to Dropbox file;	Tellinghuisen, Katy			0.200	0.00	0.00	
									Timekeeper Total	0.900	0.00
Thornton, Nick											
01-21-2014	Billed		Billable	Receive and review email from Attorney Fremstad regarding comments on second amended complaint; review second amended complaint and suggest edits/revisions;	Thornton, Nick			1.200	0.00	0.00	
02-28-2014	Billed		Billable	Review letter from Attorney Fremstad regarding State's motion to dismiss Second Amended Complaint; conduct legal research; compose email outlining responses to counsel's questions;	Thornton, Nick			0.600	0.00	0.00	
03-04-2014	Billed		Billable	Email exchange with Attorneys Fremstad and Branchart regarding availability to proof and comment on response to State's motion to dismiss;	Thornton, Nick			0.100	0.00	0.00	

Time Entries
Fremstad Law Firm

Timekeeper = All (Inactive Included)
 Group By Staff Category
 Client - Matter = General (Active Only)
 Task Code = All
 View = Original
 From 01-01-2008 To 06-05-2019

Date	Status	Approval	BillableType	Task	Timekeeper	Start	Stop	Duration	Rate	Amount	
<i>Ireland, et. al.</i>											
<u>General</u>											
Thornton, Nick											
03-06-2014	Billed		Billable	Email exchange with Attorney Brancart regarding comments on draft of response to State's motion to dismiss; comment on response to State's motion to dismiss;	Thornton, Nick			0.400	0.00	0.00	
08-29-2014	Billed		Billable	Receive and review email from Attorney Fremstad concerning affidavit of Kerry Wicks and deposition of Joseph Bellanger; draft email in response to Attorney Fremstad;	Thornton, Nick			0.300	0.00	0.00	
06-26-2017	Billed		Billable	Email exchange with Attorney Fremstad and Attorney Western regarding allocating deposition assignments;	Thornton, Nick			0.100	0.00	0.00	
07-25-2017	Billed		Billable	Office conference with Attorney Fremstad, Attorney Teigland, Attorney Western and Paralegal Tellinghuisen regarding division of labor for anticipated defense of depositions;	Thornton, Nick			0.300	0.00	0.00	
									Timekeeper Total	3.000	0.00
Western, Mark											
07-25-2017	Billed		Billable	Review of file and pleadings; Review of deadlines on PACER; Review status of case; Prepare for and attend status conference with attorneys Fremstad, Tiegland, Thornton, and Paralegal Tellinghuisen;	Western, Mark			0.900	0.00	0.00	
08-10-2017	Billed		Billable	Review of file and prepare for and attend telephone conference with attorney Brancart;	Western, Mark			2.300	250.00	575.00	
08-25-2017	Billed		Billable	Review of emails and documents provided by attorney Tiegland regarding expert issues;	Western, Mark			0.600	250.00	150.00	
09-26-2017	Billed		Billable	Review of email correspondence between attorneys Tiegland and Brancart regarding resources for experts;	Western, Mark			0.100	250.00	25.00	
10-27-2017	Billed		Billable	Review of pleadings and emails to find and ensure that there is no conference today;	Western, Mark			0.200	250.00	50.00	
03-22-2018	Billed		Billable	Review email correspondence from attorney Tiegland seeking help on status conference attendance;	Western, Mark			0.100	0.00	0.00	
									Timekeeper Total	4.200	800.00
									Matter Total	165.400	987.50
									Client Total	165.400	987.50
									Grand Total	165.400	987.50