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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

BETH WOOLSEY, GREG WOOLSEY, JEFF  
MCNEAL, KATHLEEN MCNEAL, MEGHAN  
ROGERS-CZARNECKI, STEFAN  
CZARNECKI, and ELIZABETH GEMEROY,

Plaintiffs,

v.

NEWBERG SCHOOL DISTRICT 29J, an  
Oregon public school district, TREVOR  
DEHART, RENEE POWELL, BRIAN  
SHANNON, and DAVE BROWN, individually  
and in their capacity as members of the board of  
directors of Newberg School District 29J,

Defendants.

Case No.: 21CV41198

PLAINTIFFS' STATEMENT FOR ATTORNEY  
FEES, COSTS AND DISBURSEMENTS

ORAL ARGUMENT REQUESTED  
(30 minutes)

*Honorable Cynthia L. Easterday*

Plaintiffs submit the following facts and authority to support an award to Plaintiffs of reasonable attorney fees in the amount of \$358,585.00, ORCP 68 costs in the amount of \$1,435.15, litigation expenses in the amount of \$9,458.39 and prevailing party fee in the amount of \$640.00 pursuant to ORS 20.190(2)(a)(B). This Statement is made pursuant to ORS 192.680(3) and ORCP 68. This Statement is supported by the Declaration of Melissa Hopkins, Declaration of Erin Kabusreiter-Jones, and the Declaration of Judy Snyder and Exhibits attached thereto, including Exhibit 1 - Detailed Statement of Time; Exhibit 2 - Costs ; Exhibit 3 - Litigation Expenses; and, Exhibit 4 through 10 which provide attorney fee awards from other cases in support of the rates sought by Plaintiffs in this proceeding.

1 **I. Background**

2 This matter was tried by the honorable Cynthia L. Easterday in Yamhill County Circuit Court  
3 commencing on November 28, 2023. On January 25, 2024, Judge Easterday issued an opinion in  
4 favor of Plaintiffs and against Defendants for unlawfully meeting in private as a quorum of a governing  
5 body for the purpose of deciding on, or deliberating toward, a decision in violation of ORS 192.630(2).

6 On February 12, 2024, defendant Newberg School District 29J filed its Objections to Findings  
7 of Fact and Request for Other, Different, or Additional Special Findings of Fact, and the Individual  
8 Defendants filed their Request for ORCP 62 Findings of Fact and Law (collectively "Defendants'  
9 Objections"). On February 20, 2024, the Plaintiffs filed their responses to Defendants' Objections. A  
10 hearing was held on March 11, 2024, on Defendants' Objections. The Order on Defendants'  
11 Objections, granted one revision to the Court's opinion letter and denied the rest.

12 On April 25, 2024, the parties filed the Declaration of Heather Bixby and a Joint Stipulation to  
13 Supplement the Record of Trial with evidence that the Newberg School District 29J paid invoices from  
14 Tyler Smith & Associates in the amount of \$27,894.00.

15 On May 6, 2024 judgment was entered for Plaintiffs against Defendants. Pursuant to ORS  
16 192.680(3). Plaintiffs should be awarded judgment against Defendants for Plaintiffs' attorney fees and  
17 costs. Plaintiffs seek the following attorney fees:

18

Individual	Position	Hourly Rate	Hours	Total
Judy Snyder	Attorney	\$500.00, increasing to \$550.00 on January 20, 2023.	186.60	\$100,492.50
Holly Lloyd	Attorney	\$425.00, increasing to \$475.00 on January 20, 2023.	5.6	\$2,427.50
Melissa Hopkins	Attorney	\$325.00, increasing to \$350.00 on January 20, 2023.	744.40	\$249,402.50
Erin Kabusreiter-Jones	Legal Assistant	\$150.00	34.70	\$6,262.50
TOTAL			971.30	\$358,585.00

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1 Exhibit 1 to the Declaration of Judy Snyder contains the detailed billing records for the above-  
2 requested attorney fees. Exhibit 1 includes the number of hours and services provided by each  
3 attorney and legal assistant and the hourly rate for each. It is a normal business practice for the  
4 timekeepers at the Law Offices of Judy Snyder to keep a daily record of the time they spend on each  
5 matter with a brief description of the work done. This data is entered into our firm's billing system on  
6 a regular basis by our office manager or a legal assistant and is used to generate bills for our hourly  
7 clients who we typically bill on a monthly basis.

8 The time and charges set out in detail in Exhibit 1 were generated by our computerized billing  
9 system and then diligently reviewed by each of the timekeepers listed on the bills. The hourly rates  
10 utilized on Exhibit 1 are the hourly rates actually used by our firm in billing clients during the period this  
11 case has been pending. Other individuals in the firm offered support services during the pendency of  
12 this litigation, e.g. paralegal and office manager Scott Brown. We have not billed for Mr. Brown's  
13 services as they were either more clerical in function or part of his normal duties for which his salary  
14 and cost of his benefits is taken into consideration when establishing our hourly rate.

15 The specific factors supporting an award and the amount of legal fees pursuant to ORS 20.075  
16 or other statute or rule is set forth below.

17 Litigation expenses billable directly to the client that are not overhead expenses already  
18 reflected in the hourly rate for legal services are set forth in detail in Exhibit 3. The total sum of these  
19 litigation expenses is \$9,458.39. See Snyder Decl. Ex. 3.

20 Costs and disbursements supported by ORCP 68 A(2) or other statute or rule, including the  
21 prevailing party fee, as set forth in detail in Exhibit 2. The total sum of these costs and disbursements  
22 is \$1,435.15. See Snyder Decl. Ex.2.

23 The itemization of the charges may support an inference of reasonableness. *State, By &*  
24 *Through Dep't of Transp. v. Gonzales*, 74 Or. App. 514, 520, 703 P.2d 271 (1985), *rev. den.*, 300 Or.  
25 249 (1985), *citing Garrison v. Cook*, 280 Or. 205, 213, 570 P.2d 646 (1977); and *W. L. Bostick Family*  
26 *Trust v. Magliocco*, 64 Or. App. 305, 311, 667 P.2d 1044 (1983).

1 Plaintiffs' attorneys reviewed each time entry and excluded any time spent on clerical tasks,  
2 duplicative time, or on tasks unrelated to the litigation in this matter. Time which has been reduced or  
3 eliminated from the fee petition is identified in the column labeled "Fee Amount Claimed" and  
4 represented either by a reduced claimed amount or if not claimed in its entirety, by zeros (0.00).

5  
6 **II. Prevailing Plaintiffs are Entitled to Attorney Fees and Costs**

7 Each of the Defendants in this action is liable for Plaintiffs' attorney fees and costs. ORS  
8 192.680(3) provides that, if the court finds that the public body made a decision in violation of ORS  
9 192.630, "the court may order payment to a successful plaintiff in a suit brought under this section of  
10 reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is part  
11 or to which it reports." Although that language is permissive, Oregon courts have construed it as  
12 mandatory and highly favorable to plaintiffs, holding that prevailing plaintiffs are entitled to recover their  
13 attorney fees. *Chase v. Vernam*, 199 Or.App. 129, 138-39, 110 P.3d 128 (2005); see also *Turnbow*  
14 *v. K.E. Enterprises, Inc.*, 155 Or.App. 59, 68, 962 P.2d 764 (1998) (holding same under former  
15 equivalent statute); *Dobie v. Liberty Homes*, 53 Or.App. 366, 373-74, 632 P.2d 449 (1981) (same).

16 Oregon courts generally award attorney fees based on the lodestar method, although there is  
17 room for adjustment based on the factors set forth in Oregon Revised Statute § 20.075. See generally  
18 *Strawn v. Farmers Ins. Co. of Or.*, 353 Or. 210, 297 P.3d 439, 447-48 (2013) ("Strawn I"). Under the  
19 lodestar method, courts multiply the reasonable hourly rate for each timekeeper by the reasonable  
20 number of hours the timekeeper worked on the case. Or. Rev. Stat. § 20.107(2).

21 **A. ORS 20.075(1) Factors**

22 Pursuant to ORS 20.075, courts must consider the following factors when making an award of  
23 attorney fees in any case in which an award of attorney fees is authorized by statute and in which the  
24 court has discretion to decide whether to award fees: In considering the factors under ORS 20.075(1),  
25 a trial court must base its decision on a totality of circumstances. *Jones v. Nava*, 264 Or. App. 235,  
26 245, 331 P.3d 1067 (2014); *Beaverton Sch. Dist. 48j v. Ward*, 281 Or. App. 76, 83, 384 P.3d 158, 162

1 (2016). In this case, the totality circumstances demonstrate that Plaintiffs achieved an exceptional  
2 result in pursuing their important statutory claims for the benefit of the public.

3 **1. The ORS 20.075(1) factors weigh in favor of Plaintiffs' requested fees**

4 (a) *The conduct of the parties in the transactions or occurrences that gave*  
5 *rise to the litigation, including any conduct of a party that was reckless,*  
6 *willful, malicious, in bad faith or illegal*

7 The facts in this case as found by the Court support the attorney fees requested by Plaintiffs.  
8 The Court found in favor of Plaintiffs and against Defendants for unlawfully meeting in private as a  
9 quorum of a governing body for the purpose of deciding on, or deliberating toward, a decision in  
10 violation of ORS 192.630(2). The evidence at trial established that prior to the August 24, 2021, Board  
11 meeting, the defendants met as a quorum in private for the purpose of discussing or deliberating to  
12 retain Tyler Smith as supplemental legal counsel.

13 The Board of the Newberg School District has seven board members. On approximately August  
14 10, 2021, the Individual Defendants (Board members Brown, Shannon, DeHart and Powell) voted at  
15 a Board meeting to implement a policy to prohibit flags and signs in the public schools in the district.  
16 Following that action, there was considerable negative reaction from the community, resulting in the  
17 filing of tort claims notices. Around that time Board member Trevor DeHart told Board Chair Dave  
18 Brown that "we needed an attorney who specialized in constitutional law." Board member Shannon  
19 consulted with attorney Randy Harvey regarding possibly filing a lawsuit regarding the events following  
20 the adoption of the flag policy. Mr. Harvey recommended to Mr. Shannon that he consult with attorney  
21 Tyler Smith.

22 Around August 18, 2021, Chair Brown called Tyler Smith to schedule a lunch meeting. Chair  
23 Brown and Board member Renee Powell attended this lunch meeting. At the lunch meeting, Chair  
24 Brown and Ms. Powell showed Mr. Smith a paper from Mr. Shannon asking if it was legal. The day  
25 following the lunch meeting, phone records indicate that Mr. DeHart had phone calls with Chair Brown  
26 and Ms. Powell.

Billing records from Mr. Smith's law firm report that in the days following the lunch meeting, he

1 began evaluating legal issues for the district and wrote a legal research memo for Chair Brown and Ms.  
2 Powell. He later billed the District for work he had performed before the August 24, 2021, Board  
3 meeting. The billing records of Mr. Smith on August 20, 2021, state: "Research and draft memo  
4 requested by School Board on contours of first amendment law in relation to teachers, students, staff  
5 and school. Continue researching and draft advise memo. 5 hours"

6 The weekend of August 21, 2021, Ms. Powell sent Mr. Smith an email asking him to attend the  
7 Board's executive session on August 24, 2021. Mr. Smith assumed it was for the purpose of being  
8 hired. Prior to the executive session, Superintendent Morelock informed the Board that Mr. Smith  
9 could not attend the executive session and that the district's retained attorney would be present. Mr.  
10 Shannon disagreed and encouraged Mr. Smith to attend the meeting.

11 Chair Brown attended the August 24, 2021, meeting remotely as he had become ill. Mr.  
12 Shannon was designated to conduct the meeting which was to start at 5:00 p.m. Because Chair Brown  
13 had not logged in on time, Mr. Shannon sent him a pointed message encouraging him to join the  
14 meeting and stating "we're screwed" if Chair Brown did not join.

15 The other three members of the Board were confused by the presence of Mr. Smith at the  
16 executive committee meeting. The other three members of the Board were informed for the first time  
17 by the others, including Mr. DeHart, that they believed supplemental counsel was necessary. The  
18 discussion at the Board meeting resulted in the other three members of the Board concluding that  
19 DeHart, Brown, Shannon and Powell had already decided to hire Tyler Smith and that the vote was a  
20 mere formality. If Chair Brown had not joined, the Board meeting would most certainly have resulted  
21 in a 3/3 tie and Mr. Smith would not have been voted in as supplemental counsel.

22 Faced with fairly substantial evidence that they had violated the public meetings law, the District  
23 and the four Individual Defendants nevertheless continued to deny their illegal conduct and forced the  
24 case to trial. Rather than acknowledge their error and violation of law, all Defendants attempted to  
25 obfuscate their conduct by denying or minimizing the amount of contact they had with Tyler Smith and  
26 the discussions among them about hiring Mr. Smith as supplemental legal counsel.

1 (b) *The objective reasonableness of the claims and defenses asserted by*  
2 *the parties*

3 The Plaintiffs' claims of violation of the public meetings law were objectively reasonable.  
4 Although the Court found that the evidence was insufficient to support a violation on all of the claims  
5 brought by Plaintiffs, this was a serendipitous outcome for the Defendants. For example, the discussion  
6 regarding hiring Mr. Smith began in executive session, not in a public meeting. The meeting was  
7 observed by the Board's secretary who was aware that a motion and vote by the Board could not occur  
8 in executive session. When she heard a motion being made and became aware a vote was to be  
9 taken, she spontaneously began to record the motion and vote to hire Tyler Smith. Her quick action  
10 in an effort to comply with Oregon's public meetings law was found to have been the life-line which  
11 saved the Defendants from a finding of yet another violation of the public meeting law by voting at the  
12 August 24, 2021, meeting which had been noticed as an executive session.

13 (c) *The extent to which an award of an attorney fee in the case would deter*  
14 *others from asserting good faith claims or defenses in similar cases*

15 Oregon has a strong social policy encouraging the pursuit of civil actions to correct violations  
16 of the public meeting laws. This policy is reflected in the very statute under which Plaintiffs seek to  
17 recover their attorney fees, ORS 192.680 (3). This statute is set up to encourage individuals to  
18 challenge decisions made by a governing body of a public body in violation of state law. ORS 192.680  
19 (2) specifically provides that "any person affected by a decision of a governing body of a public body  
20 may commence a suit in the circuit court fo the county in which the governing body ordinarily meets,  
21 for the purpose of requiring compliance with, or the prevention of violations of" the public meetings law  
22 "by members of the governing body." ORS 192.680 (3) empowers the court to not only void decisions  
23 made in violation of the public meetings laws, but also to award payment to a successful plaintiff of  
24 "reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is  
25 a part or to which it report." This statute recognizes the power of the people to compel their  
26 governments to comply with state law, and reimburses those plaintiffs for their fees and costs for  
pursuing successful claims.

1           These statutes demonstrate the importance the state of Oregon places on protecting individuals  
2 who speak out against wrongdoing as a matter of public policy. “If private citizens are to be able to  
3 assert their civil rights, and if those who violated the Nation’s fundamental laws are not to proceed with  
4 impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights  
5 in court.” *Application of Roberts*, 291 Or. 21, 31, 628 P.2d 817 (1981) (citing 5 U.S. Code Cong. & Ad.  
6 News, 5910 (1976)).

7           An award of attorney fees commensurate with the time required to prepare and present  
8 Plaintiffs’ claims is essential to protect members public who perform the important public duty of  
9 challenging violations of the public meetings laws. A full award of fees encourages government entities  
10 to take more seriously their obligations to the public and notifies them that they will eventually have to  
11 pay if they violate the public meetings laws and/or assert meritless defenses in litigation. Awarding  
12 attorney fees to successful plaintiffs serves to support the important public policy factors in ORS  
13 192.610 to 192.690.

14                           (d)       *The extent to which an award of an attorney fee in the case would deter  
15 others from asserting meritless claims and defenses*

16           A full award of fees may make the consequences of such misconduct known to a wider public  
17 than just the parties to this litigation, and thus deter future wrongdoing. A full award of fees encourages  
18 government entities to take more seriously their obligations to the public and notifies them that they  
19 will eventually have to pay if they violate the public meetings laws. Awarding attorney fees to successful  
20 plaintiffs serves to support the important public policy factors in ORS 192.610 to 192.690. A full award  
21 of attorney fees would further encourage public employers to not assert meritless defenses. Therefore,  
22 factor ORS 20.075(1)(d) weighs in favor of awarding Plaintiffs’ attorney fees.

23                           (e)       *The objective reasonableness of the parties and the diligence of the  
24 parties and their attorneys during the proceedings*

25           Factor ORS 20.075(1)(e) further supports awarding Plaintiffs their attorney fees. The parties  
26 engaged in prolonged discovery, in part, due to the delays in obtaining electronic discovery from the  
Individual Defendants. The Individual Defendants did not produce the requested electronic discovery

1 for more than a year after it had been requested by Plaintiffs.

2 The Individual Defendants were also unwilling to produce their individual cell phone records.  
3 When some of those records were finally obtained, they created a road map for the methods the  
4 Individual Defendants had used to make decisions outside of the view of the public and by serial  
5 communications through telephone calls, text messages and emails. The Individual Defendants'  
6 conduct during discovery unnecessarily increased the burden on the Court. In addition, the defendants  
7 repeatedly represented that certain text messages were no longer available, yet then produced those  
8 very text messages.

9 The Individual Defendants took the depositions of all seven of the Plaintiffs, even though it was  
10 apparent to everyone involved in the litigation that the evidence to support the violations of the public  
11 meetings laws and to evaluate the Defendants' defenses could not be learned through depositions of  
12 the members of the Newberg School District community who filed this litigation. Thus, the only Plaintiff  
13 called to testify by the Plaintiffs was Catherine McNeal, and that was because of information she  
14 possessed as a member of the district's budget committee, not because she was a Plaintiff. The  
15 depositions taken by the Defendants were useless for either direct or cross examination at trial.

16 After repeated requests for production of documents and motions to compel, Defendants finally  
17 produced thousands of pages of documents. The sheer volume of discovery produced required an  
18 extraordinary number of hours of Plaintiffs' attorneys time for document review and to prepare for  
19 depositions and trial. While a detailed review of the cell phone records of the Individual Defendants was  
20 time consuming, it proved to provide evidence crucial to the case. Plaintiffs' diligence in pursuing  
21 discovery to support their claims was demonstrated at trial.

22 Despite the delays and barriers created by Defendants, Plaintiffs persisted in their pursuit of  
23 discovery, both through discovery mechanisms and public records requests, resulting in Plaintiffs'  
24 success against Defendants.

25 //

26 //

1 (f) *The objective reasonableness of the parties and the diligence of the*  
2 *parties in pursuing settlement of the dispute*

3 Factor ORS 20.075(1)(f) also supports Plaintiffs' attorney fees.

4 (g) *The amount that the court has awarded as a prevailing party fee under*  
5 *ORS 20.190*

6 Plaintiffs' requested and the court awarded the prevailing party fee of \$ 640.00 as provided by  
7 ORS20.190 (2)(a)(B), This factor is neutral as Plaintiffs are the prevailing parties and the base  
8 prevailing party fee is awarded to the successful party in all cases.

9 **B. ORS 20.075(2) Factors**

10 Additionally, courts must consider additional factors when making an award of attorney fees.  
11 The following factors are relevant here, and support Plaintiffs' request

12 (a) *The time and labor required in the proceeding, the novelty and difficulty*  
13 *of the questions involved in the proceeding and the skill needed to*  
14 *properly perform the legal services. ORS 20.075(2)(a)*

15 It is not easy to create a record to support a violation of the public meetings law. It is daunting  
16 even to experienced attorneys. There is no well developed caselaw, the issues are not familiar even  
17 to most Oregon lawyers, and gaining expertise in this area of the law is a risky undertaking as it  
18 requires the plaintiffs' attorneys to prove that which the defendants have done outside of a public  
19 process. Plaintiffs' claims required the interpretation of novel legal theories and definitions that had  
20 never before been judicially construed or for which there was limited guidance.

21 Exhibit 1 to the Snyder Declaration describes the time spent by the primary timekeepers who  
22 performed work on the case. While achieving the final result took a fair amount of time, the amount is  
23 reasonable, particularly in light of the importance of the public right, the inherent complexity of the law  
24 and the challenges presented by two skilled defense firms.

25 //

26 //

1 (b) The Fee customarily charged in the locality for similar legal services. ORS  
2 20.075(2)(c)

3 Exhibit 1 to the Snyder Declaration shows the specific time for which Plaintiffs seek legal fees,  
4 all of which pertains to the Primary Timekeepers. Plaintiffs' requested fee rates are within the range  
5 of fees customarily charged by attorneys at comparable Portland law firms. The Court should use the  
6 prevailing market rate in the community to determine an appropriate award of attorneys' fees. "In  
7 awarding attorney fees for salaried in-house attorneys, the 'modern trend' has been to use the market-  
8 value approach." *Friends of the Columbia Gorge v. Energy Facility Siting Council*, 367 Or 258, 271  
9 (2020); see *Moro v. State*, 360 Or 467, 484 (2016) (citing Oregon State Bar Economic Survey); *Hilfiker*  
10 *Square, LLC v. Thrifty Payless, Inc.*, No. 6:16-CV-01885-MC, 2018 WL 2027734, at \*2 (D Or Apr. 30,  
11 2018) ("To ascertain the prevailing market rate, courts in the District of Oregon use the most recent  
12 Oregon State Bar Economic Survey as an initial benchmark."). "Oregon courts consider the Oregon  
13 State Bar Economic Survey's 75th percentile hourly rate to be an appropriate standard for measuring  
14 attorney fee requests." *Garcia v. Coast Cmty. Health Ctr.*, No. 6:20-CV-02175-MC, 2022 WL 3646995,  
15 at \*2 (D Or Aug. 24, 2022).

16 Based on available data from the Oregon State Bar 2017 Economic Survey (the "Survey"), the  
17 fees sought here are reasonable.<sup>1</sup> The Survey described hourly rates for attorneys in private practice  
18 in the Portland market, both overall and by years of experience, providing average rates as well as 75<sup>th</sup>  
19 percentile and 95<sup>th</sup> percentile benchmarks. For **2016**, the average rate for Portland attorneys in private  
20 practice was \$324, the 75<sup>th</sup> percentile rate was \$400, and the 95<sup>th</sup> percentile was \$525. For **2016**, the  
21 average rate for such attorneys with 0-3 years was \$236 per hour, the 75<sup>th</sup> percentile was \$250, and  
22 the 95<sup>th</sup> percentile was \$305. For Portland private practice attorneys with 13-15 years of experience,  
23 the average rate was \$288 per hour, the 75<sup>th</sup> percentile was \$375, and the 95<sup>th</sup> percentile was \$460.  
24 Eight years have now passed since the Survey measured rates in 2016, but no new edition of the  
25 Survey has been released.

26 In addition, attached to the Snyder Declaration as Exhibits 4 through 10 are fee awards from

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<sup>1</sup> The Survey is available at <https://www.osbar.org/docs/resources/econsurveys/17economicsurvey.pdf>.

1 other cases which support the rates used by Plaintiffs' attorneys in this case.

2 Plaintiffs' attorneys utilized timekeepers with lower billing rates when feasible. Ms. Hopkins  
3 performed the bulk of the work for which fees are sought, including tasks typically performed by more  
4 experience attorneys. Ms. Snyder provided supervision and expertise. The division of labor here, and  
5 wide range of tasks performed by Ms. Hopkins, a junior attorney, supports the rates sought here. See  
6 *Brady Mktg. Co. Inc. v. Kai U.S.A. Ltd.*, No. 3:16-CV-1878-MO, 2018 WL 3377083, at \*3 (D Or July 11,  
7 2018) (awarding fees near the 95th percentile level, in light of the nature of the litigation, where  
8 associate handled tasks that would typically be performed by more experienced attorneys).

9 Finally, the \$150.00 per hour for the firm's paralegal are reasonable. Fees for paralegals are  
10 recognized as an appropriate part of an attorney fee award if such fees are typically billed to clients  
11 separately from attorney fees in the relevant market. *Missouri v. Jenkins*, 491 US 274, 285 (1989);  
12 *Trustees of the Const. Indus. & Laborers Health & Welfare v. Redland Ins. Co.*, 460 F3d 1253, 1256-57  
13 (9th Cir 2006). Fees for paralegals are deemed reasonable when they do not exceed the rate of a first-  
14 year associate. *SPF Brewery Blocks, LLC v. Art Inst. of Portland, LLC*, No. 3:18-CV-1749-MO, 2019  
15 WL 1497029, at \*3 (D Or Apr. 4, 2019) ("Although the OSB Economic Surveys contain no information  
16 regarding paralegal billing rates, Judges in this District have noted that a reasonable hourly rate for a  
17 paralegal should not exceed that of a first year associate."). Here, Ms. Kabusreiter-Jones' work was  
18 performed at a rate of \$150.00, which well below the estimated \$290 per hour based on the Survey  
19 data and the CPI Calculator. Accordingly, her rate is reasonable.

20 (c) *The amount involved in the controversy and the results obtained.*  
21 *ORS 20.075(2)(d)*

22 None of the issues in this litigation were for the financial benefit of the Plaintiffs. That factor  
23 favors a fee award here because Plaintiffs had no pecuniary interest in this case. The result obtained  
24 here was for the benefit of the public — a result that benefits all Oregonians.

25 (d) *Experience, reputation and ability of the attorneys.* *ORS 20.075(2)(g)*

26 The experience and ability of the attorneys here favors the fees requested as described in the  
Declarations of Judy Snyder and Melissa Hopkins.

1           **C.       Fees for time spent of Statement of Attorney Fees**

2           There is longstanding precedent in Oregon that a party may recover its attorney fees incurred  
3 as part of the fee application and litigation process. *Crandon Capital Partners v. Shelk*, 219 Or. App.  
4 16, 42–43, 181 P.3d 773, 789 (2008), *rev. den.*, 345 Or. 158 (2008) (collecting cases). “The  
5 enforcement of a judgment and final collection of money due are ‘legal services related to the  
6 prosecution or defense of an action’ [as provided in ORCP 68 A(1)] and may be considered in awarding  
7 attorney fees.” *Johnson v. Jeppe*, 77 Or.App. 685, 688, 713 P.2d 1090 (1986). Plaintiffs have included  
8 their fees for the preparation of the attorney fee petition and supporting documents in this matter.

9  
10           **III.       Costs and Litigation Expenses**

11           ORCP 68 provides that “costs and disbursements shall be allowed to the prevailing party.”  
12 Pursuant to ORCP 68, Plaintiffs seek an award of their costs in the amount of \$1,435.15, These costs  
13 are detailed on Exhibit 2 to the Snyder Declaration.

14           Plaintiffs also seek an award of litigation expenses in the amount of \$9,458.39. These litigation  
15 expenses are billable directly to the clients and are not overhead expenses already reflected in the  
16 hourly rates for legal services. Courts should “include expenses specially billed to the client in the  
17 attorney fees award when they are properly documented and reasonable.” *Willamette Prod. Credit*  
18 *Ass’n v. Borg-Warner Acceptance Corp.*, 75 Or. App. 154, 706 P.3d 577, 580 (1985); *Robinowitz v.*  
19 *Pozzi*, 127 Or. App. 464, 470-71, 872 P.2d 993 (1994). Litigation expenses, including jury fees,  
20 deposition fees, travel, mileage, parking, photocopies, expert witness fees, medical records, and  
21 computer research are routinely awarded to prevailing plaintiffs. In *Burley v. Clackamas County*,  
22 Clackamas County Circuit Court Case No. CV14110305, prevailing plaintiffs sought an award of  
23 attorney fees, costs and litigation expenses including (See Exhibit 9: Supplemental Judgment and  
24 Money Award, dated August 15, 2017). In *Johnson & Ferguson v. State of Oregon By and Through*  
25 *Department of Human Services*, Wasco County Circuit Court Case No. 16CV09451, the court awarded  
26 the prevailing plaintiffs’ litigation expenses including mileage, lodging, meal, depositions, and costs for

1 mediation, in addition to costs and attorneys fees.

2 Plaintiffs' counsel are aware of the usual and customary practice of plaintiff's attorneys who  
3 regularly bill their clients for litigation expenses. Exhibit 3 to the Snyder Declaration contains the  
4 detailed information on litigation expenses being sought in this case.

5  
6 **IV. CONCLUSION**

7 In summary, Plaintiffs are entitled to an award of reasonable attorney fees in the amount of  
8 \$358,585.00, ORCP 68 costs and disbursements in the amount of \$1,435.15, litigation expenses in  
9 the amount of \$9,458.39 and a prevailing party fee in the amount of \$640.00.

10  
11 DATED this 17<sup>th</sup> day of May, 2024.

12  
13 LAW OFFICES OF JUDY SNYDER

14 s/ Judy Danelle Snyder  
15 JUDY DANELLE SNYDER, OSB No. 732834  
16 HOLLY LLOYD, OSB No. 942979  
17 MELISSA HOPKINS, OSB No. 192226  
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22 Of Attorneys for Plaintiffs

23  
24 Trial Attorney: Judy Danelle Snyder, OSB No. 732834  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing PLAINTIFFS' STATEMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS on:

Mr. Daniel E. Thenell  
Ms. Chelsea P. Pyasetsky  
Thenell Law Group, P.C.  
6 Centerpointe Dr., Suite 450  
Lake Oswego OR 97035  
[dan@thenelllawgroup.com](mailto:dan@thenelllawgroup.com)  
[chelsea@thenelllawgroup.com](mailto:chelsea@thenelllawgroup.com)

Mr. C. Robert Steringer  
Ms. Erica Tatoian,  
Harrang Long Gary Rudnick P.C.  
111 S.W. Columbia Street, Suite 950  
Portland, Oregon 97201  
[bob.steringer@harrang.com](mailto:bob.steringer@harrang.com)  
[erica.tatoian@harrang.com](mailto:erica.tatoian@harrang.com)

*Of Attorneys for Defendants Trevor  
Dehart, Renee Powell, Brian Shannon,  
and Dave Brown*

*Of Attorneys for Defendant Newberg  
School District 29J*

by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon.

by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above.

by electronically filing through the Odyssey e-file and e-serve system.

by hand delivering to said attorney(s) a true copy thereof.

by faxing to said attorney (s) a true copy thereof.

by concurrently electronically mailing this documents in Word format to each attorney's last-known e-mail address on the date set forth below.

DATED this 17<sup>th</sup> day of May, 2024.

LAW OFFICES OF JUDY SNYDER

s/Judy Danelle Snyder  
JUDY DANELLE SNYDER, OSB No. 732834  
MELISSA HOPKINS, OSB No. 192226  
Telephone: (503) 228-5027  
Facsimile: (971) 277-3894  
Email: [judy@jdsnyder.com](mailto:judy@jdsnyder.com)  
Email: [melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)  
Of Attorneys for Plaintiffs

Trial Attorney: Judy Danelle Snyder, OSB No. 732834

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

BETH WOOLSEY, GREG WOOLSEY, JEFF  
MCNEAL, KATHLEEN MCNEAL, MEGHAN  
ROGERS-CZARNECKI, STEFAN CZARNECKI,  
and ELIZABETH GEMEROY,

Plaintiffs,

v.

NEWBERG SCHOOL DISTRICT 29J, an  
Oregon public school district, TREVOR  
DEHART, RENEE POWELL, BRIAN  
SHANNON, and DAVE BROWN, individually  
and in their capacity as members of the board of  
directors of Newberg School District 29J,

Defendants.

Case No. 21CV41198

DECLARATION OF JUDY SNYDER IN  
SUPPORT OF PLAINTIFFS' STATEMENT  
FOR ATTORNEY FEES, COSTS AND  
DISBURSEMENTS

*Honorable Cynthia L. Easterday*

I, Judy Snyder, do declare as follows:

1. I am one of the attorneys representing the plaintiffs in this action. I make this declaration in support of Plaintiffs' Statement for Attorney Fees, Costs and Disbursements. This declaration is based upon my personal knowledge. I am competent to testify with respect to the matters set forth below.

2. I am an attorney and have been licensed to practice law in the state of Oregon since 1973. My primary occupation is that of a trial attorney in state and federal courts.

1           3.       I am a 1973 graduate of the University of Notre Dame Law School. I was admitted to  
2 practice in the state of Oregon and have worked as an attorney on a full time basis since 1973. I am  
3 also admitted to practice before the United States District Court for the District of Oregon and the  
4 United States Court of Appeals for the Ninth Circuit.

5           4.       Immediately after graduating from law school, I served as a law clerk for then U.S.  
6 District Court Judge Otto R. Skopil. From 1974 to 1978, I was a deputy district attorney in the  
7 Multnomah County District Attorney's Office. Since March of 1978, I have been in private practice.  
8 Although I customarily represent plaintiffs, I also have occasionally represented defendants in civil  
9 litigation. I have a general litigation practice, which includes claims arising from employment, civil  
10 rights, contracts, medical and legal negligence and personal injury, as well as a variety of related  
11 statutory and common law claims.

12          5.       I am consistently asked to speak at continuing education programs and have written  
13 articles pertaining to trial practice issues. I also have presented at seminars on the topic of the recovery  
14 of attorney's fees and costs. I have testified in state and federal court in support of and in opposition  
15 to petitions for awards of attorney's fees. I have frequently been requested to present declarations in  
16 support of attorney fee petitions of other attorneys as a result of my extensive litigation experience and  
17 familiarity with fees customarily charged for litigation.

18          6.       I am a Fellow in the American College of Trial Attorneys and a Life Fellow of the  
19 American Board of Trial Advocates. I also am a member of the Oregon Trial Lawyers Association and  
20 the American Association for Justice. Throughout my career, I have been active in bar activities at the  
21 federal, state and county level. I have served on the U.S. District Court Local Rules Committee, as a  
22 lawyer representative to the Ninth Circuit Judicial Conference and on the Oregon State Bar  
23 Association's Federal Practice and Procedure Committee. I served a three-year term on the OSB's  
24 State Professional Responsibility Board ("SPRB"), serving as chair from 1995 to 1996. Thereafter, I  
25 served on the OSB's Litigation Section Executive Committee for four years. I have served on the MBA  
26 Board where I was President from 1999-2000. I previously was a member of the Board of Governors

1 for the Oregon Trial Lawyers Association and President of that organization from 1989 to 1990. I have  
2 been a member of the State of Oregon Board of Psychological Examiners (1986 to 1988) and of the  
3 State of Oregon Psychiatric Security Review Board (1981 to 1985), serving as chairperson from 1983  
4 to 1984. Between 2001 and 2019, I was a member of the State of Oregon Commission on Judicial  
5 Fitness and Disability.

6 7. I am familiar with the market rates of attorneys engaged in the practice of civil litigation  
7 in Oregon, including those who represent plaintiffs and defendants. Through my experience  
8 representing the interests of both plaintiffs and defendants in litigation, knowledge of rates charged to  
9 other clients, experience testifying as an expert in fee litigation, knowledge of fee surveys, and my  
10 contacts with other litigators, I am aware of the hourly rates routinely charged for litigation and the  
11 factors considered by the courts when evaluating petitions for an award of attorneys fees. My rate of  
12 \$500.00 to \$550.00 per hour which was used in this litigation is, in fact, less than the customary hourly  
13 rate for an attorney with fifty years of litigation experience. It is the rate at which I bill and am paid by  
14 clients. According to the Oregon State Bar 2017 Economic Survey, in **2016** an hourly rate of \$550 per  
15 hour for an attorney admitted to practice more than 30 years in Portland is between the 75<sup>th</sup> and 95<sup>th</sup>  
16 percentile. I am aware that my peers are charging more and as much as \$800 an hour for their  
17 litigation services.

18 8. One of the firm's associates, Holly Lloyd, is an attorney admitted to practice in Oregon  
19 and the United States District Court of Oregon. She received her Juris Doctorate from Willamette  
20 University College of Law and was admitted to the Oregon State Bar in 1994. She has worked with me  
21 since 1999. Ms. Lloyd has extensive experience in litigation in state and federal court, including  
22 preparing pleadings and trial documents. Over the twenty-five years we have worked together, Ms.  
23 Lloyd and I have jointly represented numerous clients in the pursuit of claims under federal and state  
24 law. She had a limited role in the present litigation. Ms. Lloyd's hourly rate of \$475 per hour is the rate  
25 actually charged to our clients for her services. According to the Oregon State Bar 2017 Economic  
26 Survey, in **2016** an hourly rate of \$475 per hour for an attorney admitted to practice more than 20 years

1 in Portland is in the 75<sup>th</sup> percentile.

2 9. Another of the firm's associates, Melissa Hopkins, is an attorney admitted to practice  
3 in Oregon and the United States District Court of Oregon. She received her Juris Doctorate from the  
4 University of Oregon Law School and was admitted to the Oregon State Bar in 2019. She has worked  
5 with my firm since 2017, initially as a law clerk. Ms. Hopkins brought to the practice of law an  
6 extensive background performing federal and state investigations, representing state agencies at  
7 administrative hearings, and serving as an informant to the FBI white collar crimes unit. In addition to  
8 Ms. Hopkins' law degree, she has a Masters in Public Administration from Seattle University. Ms.  
9 Hopkins has litigation experience in state and federal court in areas of employment, prisoner rights,  
10 legal malpractice, and medical malpractice, including preparing pleadings and trial documents and  
11 arguing motions and appeals in the federal and state courts.

12 10. Over the past five years, Ms. Hopkins has worked jointly with me and Ms. Lloyd on  
13 numerous cases in litigation in state of Oregon and the USDC. Ms. Hopkins' hourly rate of \$350 is the  
14 rate actually charged to our clients for her services. According to the Oregon State Bar 2017 Economic  
15 Survey, in **2016** an hourly rate of \$350 per hour for an attorney admitted to practice for four to six years  
16 is at the 95<sup>th</sup> percentile in the Portland area. As the law is a second career for Ms. Hopkins, she brings  
17 a wealth of experience and maturity to her work which more than qualifies her for this hourly rate. As  
18 more completely described in her declaration, Ms. Hopkins had a lead role in the present litigation and  
19 was principally responsible for all pretrial proceedings. She also shared a co-counsel role with me  
20 during the three day trial, arguing motions, presenting witnesses for the plaintiffs and cross examining  
21 defense witnesses.

22 11. One of the firm's legal assistants, Erin Kabusreiter-Jones, has worked for my firm for  
23 the past 13 years. She has a bachelor's degree in Mass Communications from Whitworth University  
24 and has experience in the legal field as well as video editing and technology presentation. As more  
25 completely described in Ms. Kabusreiter-Jones' declaration, her work on the present litigation included  
26 preparing video evidence excerpts and presenting other evidence at trial. Ms. Kabusreiter-Jones'

1 regular duties for our firm include, but are not limited to, courtroom technology support. If we did not  
2 have the benefit of these skills within our firm, we would be required to incur the cost of retaining a  
3 contractor to prepare and present the numerous forms of technology during trial.

4 12. Ms. Kabusreiter-Jones' services beyond those customarily described as clerical and  
5 included in office overhead are billed to our clients at the rate of \$150 per hour. I know from  
6 experience and reviewing other fee petitions that paralegals are billed at the rate of \$150 or higher by  
7 other law firms. I am also aware that it would cost between \$175 and \$200 an hour to retain a trial  
8 consultant to prepare and present exhibits at trial and to provide trial support. We use our skilled  
9 paralegals and in-house equipment for trial presentations, resulting in a cost savings for our clients and  
10 for our opponents.

11 13. I am familiar with the market rates of attorneys engaged in the practice of civil litigation  
12 in Oregon, including those who represent plaintiffs and defendants. The OSB 2017 Economic Survey  
13 data is out-dated and does not reflect current market rates, nor does it mirror the rates awarded by  
14 judges in Oregon's federal and state courts as will be further described below.

15 14. My firm maintains detailed daily time records for all clients, including those cases we  
16 accept under a flat fee, hourly or contingent fee agreements. Those records are maintained by our  
17 office manager Scott Brown, who is also a trained paralegal, and are input into the database on a  
18 regular basis so that by the end of each month, contemporaneous time entries and costs incurred have  
19 been recorded for billing purposes.

20 15. Attached as Exhibit 1 is a detailed summary of the services provided and time required  
21 for each timekeeper in this litigation. Exhibit 1 contains the relevant services provided by Ms. Lloyd,  
22 Ms. Hopkins, Ms. Kabusreiter-Jones and me, redacted to remove work-product or attorney client  
23 privileged information and to exclude matters not properly billed to the client; e.g. activities in which  
24 both Ms. Hopkins and I would not have customarily charged the client or matters that are considered  
25 clerical. Ms. Hopkins and I diligently reviewed the detailed billing records to confirm that the requested  
26 fees were reasonable and indicated with a zero sum, e.g. 0.00, those entries that were for time that

1 was duplicative which we would not have customarily charged to the client, were on issues which  
2 ultimately were not germane to the litigation or were clerical in nature.

3 16. The significant amount time spent on this case reflects the novelty and difficulty of some  
4 of the factual and legal questions involved. The investment of time was, in part, enhanced by the fact  
5 that there were two separate law firms involved in the representation of defendants, often increasing  
6 the work two-fold. For example, in January of 2022, each defense firm filed separate Rule 21 Motions  
7 to Dismiss. The court ultimately ordered that the Plaintiffs be allowed to amend the complaint. After  
8 rulings on the first round of Rule 21 Motions, in June of 2022, Plaintiffs filed their Amended Complaint.  
9 The Amended Complaint lead to a round of conferrals with defense counsel to which they erroneously  
10 asserted that the Plaintiffs were not allowed to replead their claims. We sought to file a Third Amended  
11 Complaint in October of 2022 in an attempt to resolve some of the defendants' concerns and to adhere  
12 to the newly produced discovery. Thereafter, defense counsel again challenged the presentation of  
13 the legal issue and after additional conferral, refused to consent to the filing of the Third Amended  
14 Complaint. On November 2, 2022, Plaintiffs filed their Motion for Leave to File Third Amended  
15 Complaint. After unsuccessful challenges by both defense firms, the court granted Plaintiffs leave to  
16 file their Third Amended Complaint on December 15, 2022.

17 17. In June of 2023, Plaintiffs filed a Motion to Compel to obtain documents from the  
18 individual defendants. Following a hearing in July of 2023 on the Motion to Compel, the court ordered  
19 that defendants produce additional documents including phone records and text messages responsive  
20 to nearly all the search terms sought by the Plaintiffs. Throughout the litigation, Plaintiffs' attorneys  
21 needed to review well over 20,000 pages of discovery documents produced by defendants, a volume  
22 which increased after we successfully presented motions to compel. The investment of time was also  
23 enhanced by the two separate Motions for Summary Judgment filed by defendants in September of  
24 2023. After extensive briefing and oral argument on the separate Motions for Summary Judgment, the  
25 case proceeded to trial.

26 18. In November of 2023, a three day trial was held. Plaintiffs prevailed and the court issued

1 its findings. However, even after trial, both defendants again erroneously sought to challenge the  
2 court's findings and filed Objections to the Findings of Fact and Request for Other, Different, or  
3 Additional Special Findings of Fact. On February 20, 2024, Plaintiffs filed their response to both  
4 defendants' Objections and the Court issued its Opinion Letter in favor of the Plaintiffs. Again, both  
5 Defendants erroneously challenged the Plaintiffs' draft order, and on March 27, 2024, the court issued  
6 its Order denying all of the defendants' requests and objections, and incorporated its earlier March 11,  
7 2024, Opinion Letter. Plaintiffs are entitled to an award of their attorney fees, prevailing party fee, and  
8 costs.

9 19. Plaintiffs seek to recover fees of \$358,585.00 for the firm's attorneys and billable staff,  
10 which include the time invested by me, Ms. Lloyd, Ms. Hopkins, and Ms. Kabusreiter-Jones at our  
11 customary hourly rates, see Exhibit 1. This is not unreasonable in light of the complexity of this case.  
12 The lodestar calculation of attorney fees, including billable staff, is as follows:

13	Judy Snyder	186.60 hours	\$500-550/hour	\$100,492.50
14	Holly Lloyd	5.6 hours	\$425-475/hour	\$2,427.50
15	Melissa Hopkins	744.40 hours	\$325-350/hour	\$249,402.50
16	Paralegals	34.70 hours	\$150/hour	\$6,262.50

17  
18 20. In addition to the attorney time, our firm seeks costs that are recoverable under ORCP  
19 68 in the amount of \$1,435.15. The costs include the filing fee, witness fees, costs for copies of  
20 documents admitted into evidence at trial, and service fees. The costs which are recoverable under  
21 ORCP 68 A are identified on the attached Exhibit 2.

22 21. In addition to the attorney time, our firm seeks litigation costs incurred, including  
23 depositions, fees for filing, mediation, as well as travel-related expenses as the case was tried in  
24 Yamhill County. The attorneys for both Plaintiffs and Defendants stayed in hotels in McMinnville during  
25 the three day trial as the distance to our homes and offices was too great to efficiently commute to  
26 court for trial. My firm regularly bills clients for these expenses separate from our attorney time.

1 Clients are expected to pay the case costs and litigation expenses regardless of case outcome.  
2 Attached as Exhibit 3 is a detailed list of the litigation expenses incurred in this case, and which are  
3 regularly billed to our clients. Our firm seeks litigation expenses in the amount of \$9,458.39, see  
4 Exhibit 3.

5 22. My firm is also seeking to recover expenses incurred in depositions. Nearly all of the  
6 depositions were taken using a court reporter and were video recorded, resulting in additional costs  
7 for video services. Such video recordings have now become commonplace, and our firm's depositions  
8 are routinely recorded. Our clients are billed for all deposition costs, regardless of the outcome of the  
9 case. We are seeking to recover deposition expenses in the amount of \$4,852.65, see Exhibit 3.

10 23. In addition to the attorney time, expert fees, and deposition expenses, we seek costs  
11 for online legal research through Westlaw in the amount of \$688.70, see Exhibit 3. Our firm has a  
12 subscription to Westlaw for which we pay a flat monthly rate. We track all Westlaw research by client  
13 name, and each client is billed on a monthly basis for a proportionate share of Westlaw costs. I am  
14 familiar with how other attorneys bill clients for online legal research and know that it is the prevailing  
15 practice in the Portland community for law firms to directly bill their clients for legal research service  
16 fees.

17 24. To assist the court in its evaluation of the reasonableness of the fees plaintiffs are  
18 seeking, and to understand why the Oregon State Bar Association's 2017 Economic Survey no longer  
19 accurately reflects the fees customarily billed in the local legal community, recent attorney fee orders  
20 are attached as examples of appropriate fee awards:

21 25. Attached as Exhibit 4 is the October 19, 2021, decision of the Ninth Circuit Court of  
22 Appeals in *Disability Rights Oregon v. Allen and Matteucci*, Case No. 20-35540, which awarded \$550  
23 an hour to 2007 bar admittee, Jesse Merrithew, for ensuring the enforcement of an injunction for some  
24 of Oregon's most vulnerable people to receive competency services while waiting in jail;

25 26. Attached as Exhibit 5 is the March 15, 2022, decision of the Ninth Circuit Court of  
26 Appeals in *Foraker v. USAA Casualty Insurance Company*, Case. No. 20-35596, which awarded my

1 contemporary Stephen Hendricks, OSB # 792653, fees at \$623/hour, Heather Brann, OSB # 040495  
2 fees at \$459/hour, Cody Hoesly, OSB # 052860, fees at \$455/hour, and paralegal Cary Breshears-  
3 Bean fees at \$175/hour;

4 27. Attached as Exhibit 6 is the December 7, 2020, Opinion and Order of Judge Immergut  
5 in *WB Music Corp., et. al. v. Harvey*, Case No. 3:20-cv-00343-AC, which awarded Vicki L. Smith, OSB  
6 # 854410 fees of \$730/hour and Cassandra Mercer, OSB# 141054 fees of \$370/hour;

7 28. Attached as Exhibit 7 is the March 30, 2022, decision of the Oregon Court of Appeals  
8 in *SAIF Corporation, et. al. v. Lynn*, No. A174007, which awarded Jodie Anne Phillips Polich, OSB#  
9 935585 fees of \$571.50/hour;

10 29. Attached as Exhibit 8 is the March 30, 2022, decision of the Oregon Court of Appeals  
11 in *Gibson v. ESIS and Georgia Pacific*, No. A174561, which awarded Jodie Anne Phillips Polich, OSB  
12 #935585 fees of \$571.50/hour;

13 30. Attached as Exhibit 9 is the February 28, 2020 Letter opinion in *Johnson & Ferguson*  
14 *v. State of Oregon, by and through DHS*, Wasco County Circuit Court Case No. 16CV09451, in which  
15 Judge John Olson awarded attorney David Paul, OSB # 862605, an hourly fee of \$495 an hour, as  
16 well as his litigation expenses and paralegal fees.

17 31. Attached as Exhibit 10 are the Plaintiffs' Statement of Attorneys Fees and the  
18 Supplemental Judgment & Money award in *Gina Raney-Eatherly, et al. v. State of Oregon*, Marion  
19 County Circuit Court Case No. 20CV27340 in which Judge Lindsay R. Partridge awarded fees of  
20 \$550/hour as well as litigation expenses and paralegal fees.

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1 I hereby declare that the above statements are true to the best of my knowledge and  
2 belief, and that I understand it is made for use as evidence in court and is subject to penalty for  
3 perjury.

4 DATED this 17<sup>th</sup> day of May, 2024.

5 LAW OFFICES OF JUDY SNYDER

6  
7 s/Judy Danelle Snyder  
8 JUDY DANELLE SNYDER, OSB No. 732834  
9 MELISSA HOPKINS, OSB No. 192226  
10 Telephone: (503) 228-5027  
11 Facsimile: (971) 277-3894  
12 Email: [judy@jdsnyder.com](mailto:judy@jdsnyder.com)  
13 Email: [melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)  
14 Of Attorneys for Plaintiffs  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF JUDY SNYDER IN SUPPORT OF PLAINTIFFS' STATEMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS on:

Mr. Daniel E. Thenell  
Ms. Chelsea P. Pyasetsky  
Thenell Law Group, P.C.  
6 Centerpointe Dr., Suite 450  
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[chelsea@thenelllawgroup.com](mailto:chelsea@thenelllawgroup.com)

Mr. C. Robert Steringer  
Ms. Erica Tatoian,  
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[erica.tatoian@harrang.com](mailto:erica.tatoian@harrang.com)

*Of Attorneys for Defendants Trevor Dehart, Renee Powell, Brian Shannon, and Dave Brown*

*Of Attorneys for Defendant Newberg School District 29J*

- by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon.
- by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above.
- by electronically filing through the Odyssey e-file and e-serve system.
- by hand delivering to said attorney(s) a true copy thereof.
- by faxing to said attorney (s) a true copy thereof.
- by concurrently electronically mailing this documents in Word format to each attorney's last-known e-mail address on the date set forth below.

DATED this 17<sup>th</sup> day of May, 2024.

LAW OFFICES OF JUDY SNYDER

s/Judy Danelle Snyder  
JUDY DANELLE SNYDER, OSB No. 732834  
MELISSA HOPKINS, OSB No. 192226  
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Email: [melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)  
Of Attorneys for Plaintiffs

Trial Attorney: Judy Danelle Snyder, OSB No. 732834

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
09/03/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	TELEPHONE CONFERENCE WITH GREG AND ELIZABETH WOOLSEY REGARDING NEWBERG SCHOOL DISTRICT PUBLIC MEETINGS LAW VIOLATIONS AND LEGAL AND FACTUAL ISSUES.
09/03/2021	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	LEGAL RESEARCH REGARDING PUBLIC MEETINGS LAWS AND LITIGATION TO ENFORCE.
09/07/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	CONTINUE LEGAL RESEARCH; EMAIL TO ATTORNEY ALAN GALLOWAY TO LEARN ABOUT SIMILAR LITIGATION; EMAIL TO GREG AND ELIZABETH WOOLSEY.
09/08/2021	JUDY SNYDER	\$500.00	1.20	\$600.00	1.20	\$600.00	REVIEW SAMPLE COMPLAINT FOR VIOLATION OF OREGON PUBLIC MEETINGS LAW; MULTIPLE EMAILS WITH RESOURCES IN THE COMMUNITY REGARDING SIMILAR LITIGATION.
09/10/2021	JUDY SNYDER	\$500.00	2.00	\$1,000.00	2.00	\$1,000.00	CONFERENCE CALL WITH GREG WOOLSEY; TELEPHONE CONFERENCE WITH POSSIBLE WITNESS; TELEPHONE CONFERENCE WITH BETH WOOLSEY; TELEPHONE CONFERENCE WITH ART TOWERS TO LEARN BACKGROUND ON THE LEGAL ISSUES.
09/12/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	TRAVEL TO AND FROM NEWBERG TO MEET WITH BETH AND GREG WOOLSEY AND FAMILY; REVIEW BOARD MEETING VIDEOS; REVIEW RECENT NEWS REPORTS; TELEPHONE CONVERSATION WITH KAT MCNEAL; TELEPHONE CONVERSATION WITH TAI HARDIN.
09/13/2021	JUDY SNYDER	\$500.00	0.60	\$300.00	0.60	\$300.00	REVIEW A MULTITUDE OF EMAILS AND DOCUMENTS FROM PUBLIC RECORDS REQUESTS AND WITNESSES.
09/14/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	MULTIPLE EMAILS REGARDING THE STATUS OF EVENTS WITH NEWBERG SCHOOL BOARD.
09/15/2021	JUDY SNYDER	\$500.00	1.50	\$750.00	1.50	\$750.00	TELEPHONE CALL WITH BETH AND GREG WOOLSEY REGARDING OTHER INDIVIDUALS INTERESTED IN BECOMING POSSIBLE ADDITIONAL PLAINTIFFS; LEGAL RESEARCH; DRAFT PUBLIC RECORDS REQUEST; EMAIL TO WOOLSEYS.
09/16/2021	JUDY SNYDER	\$500.00	1.80	\$900.00	1.80	\$900.00	EMAIL TO POTENTIAL WITNESSES RE INVESTIGATION; REVISE AND FINALIZE PUBLIC RECORDS REQUEST; TELEPHONE CONFERENCE WITH ATTORNEY WATTS REGARDING PUBLIC RECORDS REQUEST ISSUE.
09/17/2021	JUDY SNYDER	\$500.00	1.30	\$650.00	1.30	\$650.00	LETTER TO WOOLSEYS WITH FEE AGREEMENT; TELEPHONE CONFERENCE WITH POSSIBLE WITNESS; TELEPHONE CONFERENCE WITH ATTORNEY MATT FISHER.
09/18/2021	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	EMAIL FROM AND TELEPHONE CONFERENCE WITH CASSARA KOFFEE.
09/20/2021	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	INVESTIGATION REGARDING PUBLIC RECORDS REQUESTS AND POSSIBLE WITNESSES.
09/21/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	LEAVE MESSAGE FOR BETH WOOLSEY; TELEPHONE CONFERENCE WITH BETH WOOLSEY; LEAVE MESSAGE FOR POSSIBLE WITNESS; EMAILS WITH POSSIBLE WITNESS; TELEPHONE CONFERENCE WITH ADDITIONAL POSSIBLE WITNESSES.
09/30/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	PUBLIC RECORDS REQUEST EMAILS.
10/01/2021	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	MULTIPLE EMAILS REGARDING PUBLIC RECORDS REQUEST.
10/04/2021	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	REVIEW DOCUMENTS FROM PUBLIC RECORDS REQUEST; EMAILS WITH GREG WOOLSEY.
10/05/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVIEW DOCUMENTS PROVIDED IN RESPONSE TO PUBLIC RECORDS REQUEST; PREPARE SECOND PUBLIC RECORDS REQUEST; LEGAL RESEARCH.
10/06/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	CONFERENCE CALL WITH BETH AND GREG WOOLSEY REGARDING PUBLIC RECORDS REQUEST.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
10/07/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVIEW DOCUMENTS PROVIDED BY SCHOOL DISTRICT; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING PREPARATION OF THE COMPLAINT.
10/07/2021	MELISSA HOPKINS	\$325.00	0.70	\$227.50	0.70	\$227.50	TELEPHONE CALL TO ATTORNEY SNYDER TO DISCUSS CASE AND NEXT STEPS.
10/08/2021	MELISSA HOPKINS	\$325.00	1.60	\$520.00	1.60	\$520.00	RESEARCH BOARD MEMBERS AND PROVIDE INFORMATION TO ATTORNEY SNYDER.
10/09/2021	JUDY SNYDER	\$500.00	2.00	\$1,000.00	2.00	\$1,000.00	MEETING WITH NEWBERG FAMILIES INTERESTED IN JOINING LITIGATION.
10/11/2021	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	RESEARCH AND DRAFT COMPLAINT; EMAIL SAME TO ATTORNEY SNYDER.
10/14/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	MULTIPLE EMAILS REGARDING COMPLAINT AND ADDITIONAL MEMBERS OF THE COMMUNITY WHO WANT TO JOIN AS PLAINTIFFS.
10/19/2021	MELISSA HOPKINS	\$325.00	0.70	\$227.50	0.70	\$227.50	REVISE COMPLAINT; ADD OTHER PLAINTIFFS; EMAIL SAME TO PARALEGAL BROWN FOR REVIEW.
10/19/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW COMPLAINT; EMAIL TO ATTORNEY HOPKINS;
10/20/2021	MELISSA HOPKINS	\$325.00	1.90	\$617.50	1.90	\$617.50	RESEARCH STATUTE OF LIMITATIONS ISSUE AND EMAIL ATTORNEY SNYDER REGARDING SAME; RESEARCH ADDITIONAL CLAIM AND REVISE COMPLAINT.
10/20/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	INTER-OFFICE CONFERENCE WITH ATTORNEY HOPKINS REGARDING REVISIONS TO COMPLAINT; MULTIPLES EMAILS WITH CLIENT.
10/21/2021	MELISSA HOPKINS	\$325.00	3.40	\$1,105.00	3.40	\$1,105.00	RESEARCH AND REVISE COMPLAINT; TELEPHONE CALL TO GREG WOOLSEY; TELEPHONE CALL TO CHARLIE HARRIS; REVISE COMPLAINT AND MAKE FINAL EDITS BEFORE FILING.
10/21/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVISE DRAFT OF COMPLAINT; OFFICE CONFERENCE WITH CLIENT REGARDING EVIDENCE; LEGAL RESEARCH REGARDING DECLARATORY ACTIONS.
10/22/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	MULTIPLE EMAILS REGARDING FILING OF COMPLAINT.
11/02/2021	JUDY SNYDER	\$500.00	0.70	\$350.00	0.70	\$350.00	EMAILS WITH POSSIBLE WITNESS AND WITH GREG WOOLSEY REGARDING DOCUMENTS FROM PUBLIC RECORDS REQUEST.
11/04/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW CORRESPONDENCE FROM WESD ATTORNEY FREILEY; EMAIL TO ATTORNEY CHRIST RE CONSTITUTIONAL ISSUES AND CLAIMS.
11/05/2021	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVIEW OEA COMPLAINT AGAINST NEWBERG SCHOOL BOARD WITH EXHIBITS.
11/10/2021	JUDY SNYDER	\$500.00	0.70	\$350.00	0.70	\$350.00	MULTIPLE CALLS REGARDING BOARD MEETING IRREGULARITIES AT TIME OF JOE MORELOCK TERMINATION.
11/12/2021	JUDY SNYDER	\$500.00	1.60	\$800.00	1.60	\$800.00	WATCH PORTIONS OF 11/09/2021 BOARD MEETING; EMAIL TO CLIENTS REGARDING UPDATE; MULTIPLE EMAILS REGARDING CASE STATUS AND DISCOVERY.
11/16/2021	HOLLY LLOYD	\$425.00	0.00	\$0.00	0.00	\$0.00	VOICEMAIL FROM GREG WOOLSEY WITH QUESTION ABOUT SERVICE; OFFICE CONFERENCE WITH PARALEGAL BROWN REGARDING SAME; TELEPHONE CALL TO CLIENT REGARDING SAME.
11/17/2021	HOLLY LLOYD	\$425.00	0.10	\$42.50	0.10	\$42.50	EMAIL TO ATTORNEY THENELL WITH ACCEPTANCE OF SERVICE FORM.
11/19/2021	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS AND ATTORNEY STERINGER.
11/19/2021	MELISSA HOPKINS	\$325.00	0.30	\$97.50	0.30	\$97.50	TELEPHONE CALL TO DEFENSE COUNSEL FOR THE SCHOOL DISTRICT; EMAIL TO ATTORNEY SNYDER REGARDING RESEARCH QUESTION.
11/22/2021	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	EMAIL TO ATTORNEY STERINGER; EMAIL TO CLIENT; EMAIL TO ATTORNEY THENELL REGARDING SERVICE; EMAIL TO ATTORNEY HOPKINS REGARDING AMENDING THE COMPLAINT; EMAIL TO CLIENT WITH TRANSCRIPT OF NOVEMBER 9, 2021 MEETING.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
11/23/2021	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVIEW DOCUMENTS PROVIDED BY CLIENTS REGARDING CHANGE AT DISTRICT; REVIEW INFORMATION REGARDING EVENTS PRECEDING SUPERINTENDENT' MORELOCK'S RESIGNATION.
11/29/2021	MELISSA HOPKINS	\$325.00	1.80	\$585.00	1.80	\$585.00	DRAFT RESEARCH MEMO REGARDING "WILLFUL VIOLATION" AND WHETHER SUCH VIOLATION CAN BE "CURED"; BEGIN DRAFTING AND RESEARCHING AMENDED COMPLAINT.
11/29/2021	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVIEW BOARD AGENDA; EMAIL FROM CLIENT; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING EVALUATING ADDITIONAL CLAIMS.
11/30/2021	MELISSA HOPKINS	\$325.00	3.20	\$1,040.00	3.20	\$1,040.00	COMPLETE RESEARCH AND DRAFT OF AMENDED COMPLAINT; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
11/30/2021	JUDY SNYDER	\$500.00	1.80	\$900.00	1.80	\$900.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING AMENDED COMPLAINT; EMAIL FROM CLIENT AND REPLY; TELEPHONE CONFERENCE WITH KAT MCNEAL; REVISE AMENDED COMPLAINT.
12/01/2021	JUDY SNYDER	\$500.00	2.50	\$1,250.00	2.50	\$1,250.00	REVIEW AUGUST 24 VIDEO OF BOARD MEETING; REVISE FIRST AMENDED COMPLAINT; TWO TELEPHONE CONFERENCES WITH ATTORNEY MASIH; EMAIL TO ATTORNEY LLOYD REGARDING LEGAL RESEARCH; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING FINALIZING FIRST AMENDED COMPLAINT; ORDER TRANSCRIPT OF VIDEO.
12/01/2021	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	EMAIL TO ATTORNEY STERINGER AND EMAIL TO ATTORNEY THENELL REGARDING SERVICE OF AMENDED COMPLAINT; EMAIL TO CLIENTS; EMAIL TO ATTORNEY RIETMANN.
12/01/2021	MELISSA HOPKINS	\$325.00	0.70	\$227.50	0.70	\$227.50	REVIEW FINAL DRAFT OF FIRST AMENDED COMPLAINT AND MAKE FINAL EDITS; EMAIL TO LEGAL ASSISTANT KABUSREITER-JONES TO FINALIZE AND FILE FIRST AMENDED COMPLAINT; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING SAME.
12/01/2021	HOLLY LLOYD	\$425.00	0.30	\$127.50	0.30	\$127.50	EMAILS WITH ATTORNEY SNYDER REGARDING NO TORT CLAIMS NOTICE REQUIRED FOR DECLARATORY JUDGMENTS; LEGAL RESEARCH REGARDING SAME AND SAVE RESEARCH TO FILE.
12/02/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	EMAIL TO ATTORNEY STERINGER AND ATTORNEY THENELL WITH ACCEPTANCE OF SERVICE.
12/03/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW EMAIL FROM CLIENT AND KOIN 6 REPORT; EMAIL TO CLIENT WITH TRANSCRIPT AND INSTRUCTIONS.
12/04/2021	JUDY SNYDER	\$500.00	0.60	\$300.00	0.60	\$300.00	TWO TELEPHONE CALLS WITH COMMUNITY CONTACT RE WITNESSES
12/05/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	EMAIL FROM MEGHAN ROGERS-CZARNECKI AND REPLY; TELEPHONE CALL FROM POSSIBLE WITNESS.
12/09/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	MULTIPLE EMAILS REGARDING INJUNCTION REMEDY.
12/12/2021	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	MULTIPLE CLIENT EMAILS.
12/13/2021	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	MULTIPLE EMAILS WITH CLIENTS REGARDING DECEMBER 14 SCHOOL BOARD MEETING AND PUBLIC STATEMENTS.
12/14/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.00	\$0.00	[EXCLUDED: MULTIPLE EMAILS WITH CLIENTS REGARDING RECALL EFFORTS.]
12/15/2021	MELISSA HOPKINS	\$325.00	3.40	\$1,105.00	3.40	\$1,105.00	DRAFT REQUEST FOR PRODUCTION AND EMAIL TO ATTORNEY SNYDER FOR REVIEW; RESEARCH NEWS STORIES AND POSSIBLE AMENDMENTS TO THE COMPLAINT.
12/16/2021	MELISSA HOPKINS	\$325.00	2.80	\$910.00	2.80	\$910.00	TELEPHONE CALL FROM ATTORNEY SNYDER TO DISCUSS REQUEST FOR PRODUCTION; REVISE REQUEST FOR PRODUCTION AND EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW; RESEARCH AND REVISE REQUEST FOR PRODUCTION.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
12/16/2021	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVISE REQUEST FOR PRODUCTION; EMAIL TO ATTORNEY HOPKINS REGARDING REVISIONS; TELEPHONE CONFERENCE WITH COMMUNITY RESOURCE REGARDING EVIDENCE OF VIOLATIONS
12/16/2021	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING REQUEST FOR PRODUCTION AND DAMAGES.
12/17/2021	MELISSA HOPKINS	\$325.00	4.20	\$1,365.00	1.20	\$390.00	[EXCLUDED: RESEARCH REGARDING MATTER NOT DIRECTLY RELATED TO LITIGATION]. LEGAL RESEARCH AND BEGIN REVISING REQUEST FOR PRODUCTION TO FOUR DEFENDANTS BASED ON ATTORNEY SNYDER'S FEEDBACK.
12/17/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	0.40	\$200.00	REVISE REQUEST FOR PRODUCTION; [EXCLUDED: TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING MATTER NOT DIRECTLY RELATED TO LITIGATION]
12/20/2021	MELISSA HOPKINS	\$325.00	2.40	\$780.00	2.40	\$780.00	COMPLETE DRAFT OF REQUEST FOR PRODUCTION; SEND SAME TO ATTORNEY SNYDER FOR FINAL REVIEW.
12/23/2021	MELISSA HOPKINS	\$325.00	4.70	\$1,527.50	4.70	\$1,527.50	REVIEW LETTER FROM OPPOSING COUNSEL REGARDING RULE 21 MOTIONS; DRAFT RESEARCH MEMO REGARDING EACH ITEM IN LETTER; DRAFT RESPONSE LETTER TO OPPOSING COUNSEL; EMAIL DRAFT OF SAME TO ATTORNEY SNYDER TO REVIEW.
12/23/2021	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVISE AND FINALIZE REQUESTS FOR PRODUCTION; LETTER FROM ATTORNEY STERINGER AND REPLY REGARDING RULE 21 ISSUES; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING RESPONSE; EMAIL TO CLIENT.
12/30/2021	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	EMAIL FROM WOOLSEY AND REPLY REGARDING BRIAN SHANNON'S STATEMENTS.
01/05/2022	JUDY SNYDER	\$500.00	0.70	\$350.00	0.70	\$350.00	MULTIPLE EMAILS WITH CLIENT; READ BLOG BY GREGG KOSKELA; EMAIL TO ATTORNEY HOPKINS.
01/06/2022	JUDY SNYDER	\$500.00	1.50	\$750.00	0.00	\$0.00	[EXCLUDED: REVIEW DOCUMENTS POSTED IN YAMHILL ADVOCATE REGARDING ISSUES IN LITIGATION]
01/07/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING AND ANALYZE THE PROPOSED RULE 21 MOTION.
01/07/2022	MELISSA HOPKINS	\$325.00	0.30	\$97.50	0.30	\$97.50	TELEPHONE CONFERENCE WITH ATTORNEY SNYDER TO DISCUSS RULE 21 MOTION PROPOSED BY DEFENDANT AND PHONE CALL WITH OPPOSING COUNSEL REGARDING SAME; EMAIL TO ATTORNEY STERINGER REGARDING SAME.
01/09/2022	JUDY SNYDER	\$500.00	0.10	\$50.00	0.10	\$50.00	EMAIL FROM ATTORNEY STERINGER AND EMAIL TO ATTORNEY HOPKINS REGARDING RULE 21 MOTION.
01/11/2022	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVIEW CORRESPONDENCE FROM SOPPE AND REPLY; REVIEW SHOTT'S COMPLAINT; MULTIPLE EMAILS REGARDING SAME.
01/14/2022	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	[EXCLUDED: ZOOM CONFERENCE WITH ATTORNEYS ON COMPANION CASES; FILE REVIEW.]
01/17/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	PREPARE AND FINALIZE 10 DAY NOTICE.
01/24/2022	MELISSA HOPKINS	\$325.00	1.40	\$455.00	1.40	\$455.00	RESEARCH AND DRAFT MEMO REGARDING DEMAND FOR REIMBURSEMENT FOR THE FEES PAID TO TYLER SMITH AND JOE MORELOCK; EMAILS WITH ATTORNEY EMERSON LENON TO SCHEDULE PHONE CALL TO CONFER.
01/24/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	MULTIPLE EMAILS REGARDING RULE 21 MOTIONS AND RESPONSE TO REQUEST FOR PRODUCTION.
01/25/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	7.10	\$2,307.50	TELEPHONE CONFERENCE WITH ATTORNEY EMERSON LENON REGARDING RULE 21 CONFERRAL; REVIEW RULE 21 MOTION FROM DISTRICT; DOWNLOAD DISCOVERY FROM DISTRICT; REVIEW DISCOVERY; RESEARCH INDIVIDUALS IDENTIFIED IN DISCOVERY.
01/25/2022	HOLLY LLOYD	\$425.00	0.00	\$0.00	0.00	\$0.00	[EXCLUDED: EMAILS WITH LEGAL ASSISTANT KABUSREITER-JONES REGARDING DOCUMENTS RECEIVED.]

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
01/27/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	MULTIPLE EMAILS FROM GREG WOOLSEY AND REPLY REGARDING REQUEST FOR DEVICE LOG-IN DATA.
01/27/2022	MELISSA HOPKINS	\$325.00	0.30	\$97.50	0.30	\$97.50	REVIEW EMAILS FROM CLIENTS REGARDING ADDITIONAL DISCOVERY REQUESTS.
01/28/2022	MELISSA HOPKINS	\$325.00	2.30	\$747.50	2.30	\$747.50	REVIEW RULE 21 MOTIONS AND BEGIN DRAFTING RESPONSE.
02/01/2022	MELISSA HOPKINS	\$325.00	6.10	\$1,982.50	6.10	\$1,982.50	CONTINUE RESEARCHING AND DRAFTING OF RESPONSE TO RULE 21 MOTIONS.
02/02/2022	MELISSA HOPKINS	\$325.00	5.40	\$1,755.00	5.40	\$1,755.00	CONTINUE DRAFTING RESPONSE TO DEFENDANTS' RULE 21 MOTIONS.
02/03/2022	MELISSA HOPKINS	\$325.00	2.60	\$845.00	2.60	\$845.00	COMPLETE DRAFT OF RESPONSE TO RULE 21 MOTIONS; EMAIL SAME TO ATTORNEY LLOYD FOR REVIEW; BEGIN REVISING RESPONSE BASED ON ATTORNEY LLOYD'S FEEDBACK.
02/03/2022	HOLLY LLOYD	\$425.00	0.70	\$297.50	0.70	\$297.50	REVISE PLAINTIFF'S RESPONSE TO MOTIONS TO DISMISS; EMAIL TO ATTORNEY HOPKINS REGARDING SAME.
02/04/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	REVISE RESPONSE TO RULE 21 MOTIONS; TELEPHONE CONFERENCE WITH ATTORNEY LLOYD TO DISCUSS REVISIONS; EMAIL FINAL DRAFT OF RESPONSE TO ATTORNEY SNYDER FOR REVIEW; TELEPHONE CALL FROM ATTORNEY SNYDER TO DISCUSS SAME; RESEARCH JUDGE FOR ORAL ARGUMENT.
02/04/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING RESPONSE TO THE RULE 21 MOTIONS.
02/04/2022	HOLLY LLOYD	\$425.00	0.20	\$85.00	0.20	\$85.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING MOTION TO DISMISS RESPONSE.
02/05/2022	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVISE PLAINTIFFS' RESPONSE TO RULE 21 MOTIONS; EMAIL TO ATTORNEY HOPKINS.
02/07/2022	MELISSA HOPKINS	\$325.00	2.60	\$845.00	2.60	\$845.00	COMPLETE DRAFT OF RESPONSE TO RULE 21 MOTION; EMAIL TO ATTORNEY STERINGER ABOUT THEIR NEED FOR AN EXTENSION.
02/07/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW STIPULATED PROTECTIVE ORDER AND INDIVIDUAL DEFENDANTS' RESPONSE TO REQUEST FOR PRODUCTION; EMAIL TO ATTORNEY HOPKINS REGARDING STRATEGY.
02/08/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.00	\$0.00	[EXCLUDED: REVIEW MATERIALS REGARDING COMPANION CASES]
02/08/2022	MELISSA HOPKINS	\$325.00	0.10	\$32.50	0.10	\$32.50	EMAIL RESPONSE TO CLIENT KAT MCNEAL REGARDING SCHEDULING PHONE CALL.
02/10/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.00	\$0.00	EXCLUDED: REVIEW MATERIAL REGARDING COMPANION CASES]
02/28/2022	MELISSA HOPKINS	\$325.00	1.10	\$357.50	1.10	\$357.50	REVIEW THE REPLIES TO THE MOTION TO DISMISS.
03/09/2022	JUDY SNYDER	\$500.00	0.10	\$50.00	0.10	\$50.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING RULE 21 MOTION HEARING.
03/11/2022	MELISSA HOPKINS	\$325.00	4.20	\$1,365.00	4.20	\$1,365.00	PREPARE FOR ORAL ARGUMENT ON RULE 21 MOTION.
03/13/2022	MELISSA HOPKINS	\$325.00	3.10	\$1,007.50	3.10	\$1,007.50	PREPARE FOR ORAL ARGUMENT ON RULE 21 MOTION.
03/14/2022	MELISSA HOPKINS	\$325.00	5.10	\$1,657.50	5.10	\$1,657.50	PREPARE FOR AND ATTEND RULE 21 ORAL ARGUMENT; EMAIL TO ATTORNEY SNYDER WITH FOLLOW UP FROM THE HEARING; BEGIN RESEARCH FOR SUPPLEMENTAL BRIEF; TELEPHONE CALL FROM ATTORNEY SNYDER TO DISCUSS HEARING AND NEXT STEPS.
03/14/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS RE HEARING ON RULE 21 MOTION.
03/16/2022	MELISSA HOPKINS	\$325.00	0.40	\$130.00	0.40	\$130.00	CONTINUE RESEARCH AND BEGIN DRAFTING SUPPLEMENTAL BRIEF RE RULE 21 MOTIONS.
03/22/2022	MELISSA HOPKINS	\$325.00	3.80	\$1,235.00	3.80	\$1,235.00	RESEARCH AND BEGIN DRAFTING SUPPLEMENTAL BRIEF REGARDING RULE 21 MOTIONS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
03/23/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	COMPLETE DRAFT OF SUPPLEMENTAL BRIEF REGARDING RULE 21 MOTIONS; EMAIL TO ATTORNEY SNYDER WITH DRAFT TO REVIEW.
03/24/2022	MELISSA HOPKINS	\$325.00	2.60	\$845.00	2.60	\$845.00	RESEARCH AND FINALIZE SUPPLEMENTAL RULE 21 BRIEF; EMAIL SAME TO LEGAL ASSISTANT KABUSREITER-JONES TO FINALIZE AND FILE.
03/24/2022	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVISE PLAINTIFF'S SUPPLEMENTAL RESPONSE TO RULE 21 MOTIONS; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SAME.
03/25/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVISE AND FINALIZE PLAINTIFF'S SUPPLEMENTAL RESPONSE TO RULE 21 MOTIONS.
04/04/2022	MELISSA HOPKINS	\$325.00	3.80	\$1,235.00	3.80	\$1,235.00	READ AND BEGIN RESEARCHING REPLY TO SUPPLEMENTAL RESPONSE FROM DEFENDANTS.
04/05/2022	MELISSA HOPKINS	\$325.00	6.10	\$1,982.50	6.10	\$1,982.50	CONTINUE RESEARCHING AND DRAFTING REPLY TO SUPPLEMENTAL BRIEFING.
04/06/2022	MELISSA HOPKINS	\$325.00	5.20	\$1,690.00	5.20	\$1,690.00	CONTINUE RESEARCHING AND DRAFTING REPLY TO SUPPLEMENTAL BRIEFING; EMAIL TO ATTORNEY SNYDER WITH DRAFT OF SAME; REVIEW ATTORNEY SNYDER'S EDITS AND MAKE FINAL CHANGES.
04/06/2022	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	REVISE PLAINTIFFS' RESPONSE TO DEFENDANTS' REPLY BRIEF; EMAIL TO ATTORNEY HOPKINS.
04/12/2022	MELISSA HOPKINS	\$325.00	0.20	\$65.00	0.20	\$65.00	EMAIL TO CLIENTS WITH UPDATE.
05/03/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	REVIEW CORRESPONDENCE FROM THE OREGON GOVERNMENT ETHICS COMMISSION.
05/09/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING DEFENDANT'S RESPONSE TO REQUEST FOR PRODUCTION.
05/12/2022	JUDY SNYDER	\$500.00	0.50	\$250.00	0.00	\$0.00	[EXCLUDED: REVIEW DOCUMENTS REGARDING COMPANION CASE]
06/01/2022	MELISSA HOPKINS	\$325.00	0.60	\$195.00	0.60	\$195.00	PREPARE FOR ORAL ARGUMENT ON SUPPLEMENTAL BRIEFING.
06/02/2022	MELISSA HOPKINS	\$325.00	0.90	\$292.50	0.90	\$292.50	PREPARE FOR AND ATTEND COURT STATUS HEARING ON SUPPLEMENTAL BRIEFING REGARDING DEFENDANTS' MOTIONS TO DISMISS; EMAIL TO ATTORNEY SNYDER WITH UPDATE FOLLOWING THE HEARING.
06/06/2022	MELISSA HOPKINS	\$325.00	0.30	\$97.50	0.30	\$97.50	REVIEW INDIVIDUAL DEFENDANTS' PROPOSED ORDER; EMAIL ALL ATTORNEYS REGARDING NO OBJECTION TO SAME.
06/06/2022	JUDY SNYDER	\$500.00	0.10	\$50.00	0.10	\$50.00	EMAIL TO ATTORNEY HOPKINS REGARDING DISCOVERY AND DEPOSITIONS.
06/13/2022	MELISSA HOPKINS	\$325.00	3.20	\$1,040.00	3.20	\$1,040.00	EMAIL TO ATTORNEY STERINGER REGARDING PROPOSED ORDER; REVIEW PLEADINGS AND DRAFT EMAIL TO CLIENTS WITH UPDATE AND SUMMARY; DRAFT RESPONSE TO REPORTER QUESTIONS REGARDING CASE AND NEXT STEPS; EMAIL BOTH DOCUMENTS TO ATTORNEY SNYDER FOR REVIEW.
06/14/2022	MELISSA HOPKINS	\$325.00	1.70	\$552.50	0.70	\$227.50	EMAIL PLAINTIFFS WITH CASE UPDATE ; BEGIN BRAINSTORMING REQUEST FOR ADMISSIONS AND ADDITIONAL DISCOVERY REQUESTS.
06/14/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVISE ATTORNEY HOPKINS' MEMO TO CLIENTS.
06/17/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	REVISE LETTER TO ATTORNEY THENELL REGARDING DISCOVERY.
06/17/2022	MELISSA HOPKINS	\$325.00	0.30	\$97.50	0.30	\$97.50	DRAFT LETTER TO ATTORNEYS REGARDING OUTSTANDING DISCOVERY FROM INDIVIDUAL DEFENDANTS; SEND DRAFT OF SAME TO ATTORNEY SNYDER FOR REVIEW.
06/21/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	0.40	\$130.00	RESEARCH AND BEGIN DRAFTING SECOND AMENDED COMPLAINT.
06/22/2022	MELISSA HOPKINS	\$325.00	1.40	\$455.00	0.00	\$0.00	[EXCLUDED: ZOOM CONFERENCE WITH ATTORNEYS REPRESENTING OTHER PARTIES IN LAWSUITS AGAINST NEWBERG SCHOOL DISTRICT AND GET UPDATES ON THEIR CASES.]
06/23/2022	MELISSA HOPKINS	\$325.00	0.90	\$292.50	0.90	\$292.50	CONTINUE REVISING SECOND AMENDED COMPLAINT.
06/28/2022	MELISSA HOPKINS	\$325.00	3.30	\$1,072.50	3.30	\$1,072.50	COMPLETE DRAFT OF SECOND AMENDED COMPLAINT; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
06/29/2022	MELISSA HOPKINS	\$325.00	0.80	\$260.00	0.80	\$260.00	REVISE AND FINALIZE SECOND AMENDED COMPLAINT; EMAIL FINAL DRAFT TO DEFENSE COUNSEL.
06/29/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVISE SECOND AMENDED COMPLAINT; EMAIL TO ATTORNEY HOPKINS.
06/30/2022	MELISSA HOPKINS	\$325.00	5.90	\$1,917.50	5.90	\$1,917.50	REVIEW EMAILS FROM OPPOSING COUNSEL REGARDING SECOND AMENDED COMPLAINT; RESEARCH AND REVISE SECOND AMENDED COMPLAINT; TELEPHONE CONFERENCE WITH ATTORNEY LLOYD REGARDING SAME; FINALIZE SECOND AMENDED COMPLAINT.
06/30/2022	HOLLY LLOYD	\$425.00	0.90	\$382.50	0.00	\$0.00	[EXCLUDED: TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING AMENDING THE COMPLAINT BASED ON GRANT OF MOTION TO AMEND].
07/05/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TWO EMAILS WITH GREG WOOLSEY REGARDING DISCOVERY.
07/06/2022	JUDY SNYDER	\$500.00	0.60	\$300.00	0.60	\$300.00	REVIEW RESPONSES TO ATTORNEY BOB STERINGER AND ATTORNEY LENON; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SAME; TWO EMAILS TO ATTORNEY HOPKINS WITH ADDITIONAL CHANGES.
07/06/2022	MELISSA HOPKINS	\$325.00	0.20	\$65.00	0.20	\$65.00	EMAIL TO ATTORNEY SNYDER WITH DRAFT RESPONSES TO OPPOSING COUNSEL TO REVIEW/EDIT BEFORE SENDING.
07/07/2022	MELISSA HOPKINS	\$325.00	0.60	\$195.00	0.60	\$195.00	TELEPHONE CONFERENCE WITH OPPOSING COUNSEL REGARDING SECOND AMENDED COMPLAINT; EMAIL TO ATTORNEY SNYDER REGARDING SCHEDULING PHONE CALL TO DISCUSS NEXT STEPS.
07/08/2022	MELISSA HOPKINS	\$325.00	6.40	\$2,080.00	6.40	\$2,080.00	RESEARCH ADDITIONAL CASE LAW, TRIAL COURT OPINIONS AND OTHER SOURCES REGARDING EQUITABLE RELIEF CLAIMS.
07/11/2022	MELISSA HOPKINS	\$325.00	0.10	\$32.50	0.10	\$32.50	EMAIL TO ATTORNEY EMERSON LENON REGARDING THIRD AMENDED COMPLAINT.
07/12/2022	MELISSA HOPKINS	\$325.00	0.10	\$32.50	0.10	\$32.50	TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING CASE UPDATE AND NEXT STEPS.
07/13/2022	MELISSA HOPKINS	\$325.00	1.30	\$422.50	1.30	\$422.50	REVIEW REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION; BEGIN DRAFTING RESPONSES TO BOTH.
07/27/2022	MELISSA HOPKINS	\$325.00	1.50	\$487.50	1.50	\$487.50	CONTINUE DRAFTING RESPONSES TO REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION.
07/28/2022	MELISSA HOPKINS	\$325.00	1.90	\$617.50	1.90	\$617.50	COMPLETE DRAFTS OF RESPONSES TO REQUEST FOR PRODUCTION AND REQUEST FOR ADMISSIONS.
07/29/2022	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	REVISE AND FINALIZE RESPONSES TO REQUEST FOR ADMISSIONS AND REQUEST FOR PRODUCTION.
08/14/2022	MELISSA HOPKINS	\$325.00	2.20	\$715.00	2.20	\$715.00	REVIEW RESEARCH AND CASELAW; DRAFT THIRD AMENDED COMPLAINT; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
08/16/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	TELEPHONE CALL TO REBECCA PIROS; REVISE THIRD AMENDED COMPLAINT; RESEARCH RE THE FOUR BOARD MEMBER DEFENDANTS; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING UPDATE.
08/16/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING THIRD AMENDED COMPLAINT.
08/17/2022	MELISSA HOPKINS	\$325.00	5.90	\$1,917.50	5.90	\$1,917.50	RESEARCH ADDITIONAL INFORMATION REGARDING POTENTIAL RANGE OF RECOVERY AND BOARD MEMBER BACKGROUNDS.
08/17/2022	JUDY SNYDER	\$500.00	0.10	\$50.00	0.10	\$50.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING INVESTIGATION INTO DEFENDANTS.

## EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
08/18/2022	MELISSA HOPKINS	\$325.00	5.40	\$1,755.00	5.40	\$1,755.00	CONTINUE RESEARCH ON BOARD MEMBER BACKGROUNDS; DRAFT SUBPOENAS TO LAM RESEARCH AND SELECTRON TECHNOLOGIES; EMAIL DRAFTS TO ATTORNEY SNYDER FOR REVIEW; FINALIZE THIRD AMENDED COMPLAINT; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
08/29/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVIEW DRAFTS SUBPOENAS DUCES TECUMS AND THIRD AMENDED COMPLAINT.
08/29/2022	MELISSA HOPKINS	\$325.00	0.20	\$65.00	0.20	\$65.00	EMAIL OPPOSING COUNSEL REGARDING SECOND AMENDED COMPLAINT AND SDTS; EMAIL OPPOSING COUNSEL REGARDING INDIVIDUAL DEFENDANTS AND DISCOVERY ISSUES.
08/30/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING AMENDING COMPLAINT AND DISCOVERY ISSUES.
08/30/2022	MELISSA HOPKINS	\$325.00	0.10	\$32.50	0.10	\$32.50	EMAIL TO ATTORNEY SNYDER REGARDING STATUS HEARING RE-SET DATES; EMAIL TO COURT REGARDING STATUS HEARING RE-SET DATE.
09/01/2022	MELISSA HOPKINS	\$325.00	1.80	\$585.00	1.80	\$585.00	REVIEW SDT OPPOSITION FROM INDIVIDUAL DEFENDANTS; RESEARCH OBJECTION; TELEPHONE CONFERENCE WITH ATTORNEY LLOYD REGARDING SAME; TELEPHONE CALL TO ATTORNEY SNYDER TO DISCUSS FINDINGS AND NEXT STEPS; EMAIL TO ATTORNEY LENON REGARDING CONFERRAL FOR DISCOVERY FROM INDIVIDUAL DEFENDANTS; EMAIL TO ALL ATTORNEYS REGARDING THEIR FEEDBACK ON PLAINTIFFS' THIRD AMENDED COMPLAINT.
09/01/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS AND REVIEW EMAILS REGARDING OBJECTIONS TO SDT.
09/02/2022	MELISSA HOPKINS	\$325.00	0.50	\$162.50	0.50	\$162.50	TELEPHONE CALL TO ATTORNEY EMERSON LENON REGARDING DISCOVERY ISSUES; EMAIL TO ATTORNEY LENON REGARDING SAME.
09/07/2022	MELISSA HOPKINS	\$325.00	0.40	\$130.00	0.40	\$130.00	REVISE SDTS AND EMAIL TO BOTH COMPANIES.
09/12/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW CORRESPONDENCE FROM LAM RESEARCH ATTORNEY; EMAIL TO ATTORNEY HOPKINS; TELEPHONE CALL TO KAT MCNEAL.
09/13/2022	MELISSA HOPKINS	\$325.00	0.40	\$130.00	0.40	\$130.00	EMAIL TO ATTORNEY LENON REGARDING DISCOVERY; BEGIN LISTENING TO AUDIO RECORDINGS OF ORAL ARGUMENT.
09/14/2022	MELISSA HOPKINS	\$325.00	3.40	\$1,105.00	3.40	\$1,105.00	TELEPHONE CALL TO ATTORNEY FOR LAM RESEARCH REGARDING SDT; EMAILS TO ATTORNEY LENON REGARDING DISCOVERY; REVIEW DISCOVERY FROM OTHER LITIGATION TO SEARCH FOR POTENTIAL DOCUMENTS TO ASSIST WITH MOTION TO COMPEL.
09/14/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING ALTERNATIVES TO LAM RESEARCH SDT.
09/15/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SDT TO LAM RESEARCH AND DEHART'S RESPONSE.
09/22/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	EMAIL FROM MEGHAN ROGERS-CZARNECKI & REPLY.
09/30/2022	MELISSA HOPKINS	\$325.00	1.20	\$390.00	1.20	\$390.00	REVIEW DOCUMENTS FROM MEGHAN ROGERS-CZARNECKI TO PRODUCE IN DISCOVERY.
10/03/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVIEW ORDER AND EMAILS REGARDING MOTION FOR SUMMARY JUDGMENT IN SHOTTS V. NEWBERG SCHOOL DISTRICT.
10/04/2022	MELISSA HOPKINS	\$325.00	0.10	\$32.50	0.10	\$32.50	EMAIL ALL CLIENTS REGARDING LAWSUIT.
10/05/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	REVIEW DOCUMENTS PROVIDED BY DEFENDANTS.
10/11/2022	MELISSA HOPKINS	\$325.00	2.70	\$877.50	2.70	\$877.50	EMAIL RESPONSE TO DEFENSE ATTORNEYS REGARDING MOTION FOR LEAVE TO AMEND; BEGIN REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.
10/12/2022	MELISSA HOPKINS	\$325.00	4.80	\$1,560.00	4.80	\$1,560.00	CONTINUE REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
10/13/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	CONTINUE REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.
10/14/2022	MELISSA HOPKINS	\$325.00	6.20	\$2,015.00	6.20	\$2,015.00	CONTINUE REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.
10/17/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	CONTINUE REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.
10/18/2022	MELISSA HOPKINS	\$325.00	4.30	\$1,397.50	4.30	\$1,397.50	CONTINUE REVIEWING DISCOVERY PRODUCED BY INDIVIDUAL DEFENDANTS.
10/19/2022	MELISSA HOPKINS	\$325.00	5.10	\$1,657.50	5.10	\$1,657.50	CONTINUE REVIEWING DISCOVERY DOCUMENTS.
10/21/2022	MELISSA HOPKINS	\$325.00	4.20	\$1,365.00	4.20	\$1,365.00	CONTINUE REVIEWING DISCOVERY DOCUMENTS.
10/21/2022	HOLLY LLOYD	\$425.00	0.20	\$85.00	0.20	\$85.00	EXCLUDED: TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING DOCUMENTS PRODUCED BY THE BOARD.]
10/25/2022	MELISSA HOPKINS	\$325.00	3.80	\$1,235.00	3.80	\$1,235.00	CONTINUE REVIEWING DISCOVERY; EMAIL TO ATTORNEY SNYDER REGARDING TRANSCRIPT AND SUPPLEMENTAL BRIEFING FOR THIRD AMENDED COMPLAINT.
10/25/2022	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	REVIEW TRANSCRIPT OF COURT RULING; EMAIL TO ATTORNEY HOPKINS REGARDING THIRD AMENDED COMPLAINT.
10/26/2022	MELISSA HOPKINS	\$325.00	1.20	\$390.00	1.20	\$390.00	CONTINUE REVIEWING DISCOVERY DOCUMENTS.
10/27/2022	MELISSA HOPKINS	\$325.00	4.30	\$1,397.50	4.30	\$1,397.50	CONTINUE REVIEWING DISCOVERY DOCUMENTS; BEGIN DRAFTING MOTION TO AMEND COMPLAINT AND DECLARATION.
11/01/2022	MELISSA HOPKINS	\$325.00	5.20	\$1,690.00	5.20	\$1,690.00	CONTINUE REVIEWING DISCOVERY DOCUMENTS; COMPLETE DRAFT OF MOTION TO AMEND COMPLAINT AND DECLARATION; EMAIL FINAL DRAFTS TO ATTORNEY SNYDER.
11/01/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING FUTURE DISCOVERY, DEPOSITIONS AND TRIAL.
11/02/2022	MELISSA HOPKINS	\$325.00	4.80	\$1,560.00	4.80	\$1,560.00	CONTINUE REVIEWING DISCOVERY.
11/02/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	REVIEW MOTION TO AMEND COMPLAINT AND SUPPORTING DOCUMENTS; EMAIL TO ATTORNEY HOPKINS REGARDING CHANGES TO SAME.
11/03/2022	MELISSA HOPKINS	\$325.00	6.80	\$2,210.00	6.80	\$2,210.00	CONTINUE REVIEWING DISCOVERY.
11/04/2022	MELISSA HOPKINS	\$325.00	4.70	\$1,527.50	4.70	\$1,527.50	CONTINUE REVIEWING DISCOVERY.
11/10/2022	MELISSA HOPKINS	\$325.00	4.30	\$1,397.50	4.30	\$1,397.50	CONTINUE REVIEWING DISCOVERY FROM DEFENDANTS.
11/11/2022	MELISSA HOPKINS	\$325.00	2.90	\$942.50	2.90	\$942.50	CONTINUE REVIEWING DISCOVERY FROM DEFENDANTS.
11/14/2022	MELISSA HOPKINS	\$325.00	5.70	\$1,852.50	5.70	\$1,852.50	CONTINUE REVIEWING DISCOVERY; TELEPHONE CALL TO ATTORNEY SNYDER REGARDING FINDINGS SO FAR AND NEXT STEPS.
11/14/2022	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING INFORMATION FROM DEFENDANTS.
11/15/2022	MELISSA HOPKINS	\$325.00	5.30	\$1,722.50	5.30	\$1,722.50	CONTINUE REVIEWING DISCOVERY.
11/16/2022	MELISSA HOPKINS	\$325.00	6.10	\$1,982.50	6.10	\$1,982.50	CONTINUE REVIEWING DISCOVERY.
11/17/2022	MELISSA HOPKINS	\$325.00	5.60	\$1,820.00	5.60	\$1,820.00	CONTINUE REVIEWING DISCOVERY.
11/18/2022	MELISSA HOPKINS	\$325.00	2.60	\$845.00	2.60	\$845.00	CONTINUE REVIEWING DISCOVERY.
11/21/2022	MELISSA HOPKINS	\$325.00	5.60	\$1,820.00	5.60	\$1,820.00	CONTINUE REVIEWING DISCOVERY; REVIEW DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO AMEND; BEGIN DRAFTING REPLY.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
11/21/2022	HOLLY LLOYD	\$425.00	0.40	\$170.00	0.40	\$170.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING REPLY TO DEFENDANTS' RESPONSE TO MOTION TO AMEND.
11/22/2022	MELISSA HOPKINS	\$325.00	3.20	\$1,040.00	3.20	\$1,040.00	CONTINUE REVIEWING DISCOVERY; CONTINUE DRAFTING REPLY.
11/22/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	OFFICE CONFERENCE WITH ATTORNEY HOPKINS REGARDING DISCOVERY ISSUES.
11/25/2022	MELISSA HOPKINS	\$325.00	4.10	\$1,332.50	4.10	\$1,332.50	CONTINUE DRAFTING REPLY; EMAIL TO ATTORNEY SNYDER WITH FINAL DRAFT OF SAME.
11/25/2022	JUDY SNYDER	\$500.00	1.00	\$500.00	1.00	\$500.00	REVISE REPLY TO MOTION TO FILE AMENDED COMPLAINT; EMAIL TO ATTORNEY HOPKINS.
11/28/2022	MELISSA HOPKINS	\$325.00	1.60	\$520.00	1.60	\$520.00	REVIEW EDITS FROM ATTORNEY SNYDER AND MAKE FINAL CHANGES TO REPLY TO MOTION TO AMEND.
11/29/2022	MELISSA HOPKINS	\$325.00	6.30	\$2,047.50	6.30	\$2,047.50	COMPLETE REVIEWING DISCOVERY OF INDIVIDUAL DEFENDANTS; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER TO DISCUSS.
11/29/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	EXCLUDED: TELEPHONE CALL FROM ATTORNEY HOPKINS REGARDING DOCUMENTS PROVIDED BY DEFENDANTS AND MOTION TO COMPEL.]
11/30/2022	HOLLY LLOYD	\$425.00	0.20	\$85.00	0.20	\$85.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING REPLY TO MOTION TO AMEND.
12/12/2022	MELISSA HOPKINS	\$325.00	1.40	\$455.00	0.20	\$65.00	EXCLUDED: PREPARE FOR AND ATTEND MOTION TO AMEND COMPLAINT ORAL ARGUMENT]; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING UPDATE.
12/12/2022	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING STATUS OF CASE AND MOTION TO AMEND.
12/13/2022	MELISSA HOPKINS	\$325.00	1.40	\$455.00	1.40	\$455.00	DRAFT AND SEND UPDATE TO CLIENTS; REVIEW COURT'S RULING; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING SAME; EMAIL TO CLIENTS WITH UPDATE; DRAFT ORDER AND REVISE THIRD AMENDED COMPLAINT; EMAILS DRAFTS OF SAME TO ATTORNEY SNYDER FOR REVIEW.
12/13/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVIEW JUDGE EASTERDAY'S OPINION ON MOTION TO AMEND; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SAME.
12/14/2022	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVISE ORDER; EMAIL TO ATTORNEY HOPKINS REGARDING SAME.
12/14/2022	MELISSA HOPKINS	\$325.00	0.20	\$65.00	0.20	\$65.00	FINALIZE PROPOSED ORDER REGARDING FILING THIRD AMENDED COMPLAINT; EMAIL SAME TO OPPOSING COUNSEL.
12/15/2022	MELISSA HOPKINS	\$325.00	5.20	\$1,690.00	5.20	\$1,690.00	REVIEW DISCOVERY AND DRAFT DISCOVERY ISSUES LETTER; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW; EMAILS WITH DEFENSE COUNSEL REGARDING ORDER FOR FILING; EMAIL CLIENTS WITH COPIES OF PLEADINGS AND UPDATE; CONTINUE RESEARCHING AND BRAINSTORMING IDEAS REGARDING TERMINATION OF THE SUPERINTENDENT.
12/16/2022	MELISSA HOPKINS	\$325.00	6.40	\$2,080.00	6.40	\$2,080.00	REVIEW DISCOVERY AND RESEARCH POTENTIAL SDTS; BEGIN RESEARCHING ATTORNEY-CLIENT PRIVILEGE RELATED TO REDACTED EMAILS IN DISCOVERY; EMAIL TO REPORTER WITH UPDATE ON CASE.
12/16/2022	JUDY SNYDER	\$500.00	0.80	\$400.00	0.80	\$400.00	REVIEW LETTER TO ATTORNEY THENELL REGARDING DISCOVERY; EMAIL TO ATTORNEY HOPKINS REGARDING MOTION TO COMPEL AND THIRD PARTY SUBPOENAS.
12/19/2022	MELISSA HOPKINS	\$325.00	3.60	\$1,170.00	3.60	\$1,170.00	CONTINUE RESEARCH REGARDING SDT AND ADDITIONAL DISCOVERY REQUESTS; CONTINUE RESEARCH REGARDING ATTORNEY-CLIENT PRIVILEGE.
12/20/2022	MELISSA HOPKINS	\$325.00	2.40	\$780.00	2.40	\$780.00	CONTINUE RESEARCHING FOR SDTS AND ADDITIONAL REQUESTS FOR PRODUCTION.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
12/21/2022	MELISSA HOPKINS	\$325.00	2.30	\$747.50	2.30	\$747.50	CONTINUE RESEARCHING FOR SDTS AND ADDITIONAL REQUESTS FOR PRODUCTION; BEGIN DRAFTING TALKING POINTS FOR NEWBERG REPORTER.
12/22/2022	MELISSA HOPKINS	\$325.00	6.20	\$2,015.00	6.20	\$2,015.00	CONTINUE RESEARCH FOR DISCOVERY AND SDTS; TELEPHONE CONFERENCE WITH ATTORNEY SNYDER REGARDING SDTS AND NEXT STEPS; EMAIL FROM DEFENSE COUNSEL REGARDING EXTENSION OF TIME TO FILE ANSWER AND REPLY.
12/22/2022	JUDY SNYDER	\$500.00	0.50	\$250.00	0.50	\$250.00	REVISE MEMO; EMAIL TO ATTORNEY HOPKINS REGARDING FURTHER REVISIONS; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SUBPOENAS DUCES TECUM.
12/23/2022	MELISSA HOPKINS	\$325.00	5.20	\$1,690.00	5.20	\$1,690.00	COMPLETE RESEARCH AND DRAFTING SDTS; SEND SAME TO ATTORNEY SNYDER FOR REVIEW; REVISE AND FINALIZE SDTS; REVISE LETTER TO OPPOSING COUNSEL; SEND EMAIL TO CLIENTS REGARDING UPDATE.
12/23/2022	JUDY SNYDER	\$500.00	0.70	\$350.00	0.70	\$350.00	REVISE SDTS; TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS REGARDING SAME.
01/03/2023	MELISSA HOPKINS	\$325.00	3.10	\$1,007.50	3.10	\$1,007.50	CONTINUE RESEARCH FOR DISCOVERY ISSUES LETTER.
01/04/2023	MELISSA HOPKINS	\$325.00	2.20	\$715.00	2.20	\$715.00	CONTINUE RESEARCH FOR DISCOVERY ISSUES LETTER.
01/06/2023	MELISSA HOPKINS	\$325.00	2.80	\$910.00	2.40	\$780.00	RESPOND TO SDT ISSUES FROM WESTERN LIBERTY NETWORK; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING SDT TO JEFF ISRAEL; CONTINUE RESEARCH FOR DISCOVERY ISSUES LETTER.
01/06/2023	JUDY SNYDER	\$500.00	0.40	\$200.00	0.40	\$200.00	VOICEMAIL FROM ISRAEL; REVIEW SDT; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING FOLLOW UP WITH ISRAEL.
01/09/2023	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SDT AND DISCOVERY.
01/11/2023	MELISSA HOPKINS	\$325.00	1.20	\$390.00	1.20	\$390.00	CONTINUE RESEARCH REGARDING DISCOVERY ISSUES.
01/15/2023	JUDY SNYDER	\$500.00	0.20	\$100.00	0.20	\$100.00	EMAIL FROM ATTORNEY HOPKINS AND REPLY REGARDING DEFENDANTS' AFFIRMATIVE DEFENSES.
01/18/2023	MELISSA HOPKINS	\$325.00	3.10	\$1,007.50	3.10	\$1,007.50	CONTINUE RESEARCH FOR DISCOVERY ISSUES AND COMPLETE DRAFTING DISCOVERY ISSUES LETTER; EMAIL DRAFT LETTER TO ATTORNEY SNYDER FOR REVIEW.
01/19/2023	MELISSA HOPKINS	\$325.00	2.70	\$877.50	2.70	\$877.50	CONTINUE RESEARCH FOR DISCOVERY ISSUES AND DRAFTING DISCOVERY ISSUES LETTER.
01/19/2023	JUDY SNYDER	\$500.00	0.30	\$150.00	0.30	\$150.00	REVISE LETTER TO ATTORNEY THENELL; EMAIL TO ATTORNEY HOPKINS REGARDING CONCERN.
01/20/2023	MELISSA HOPKINS	\$350.00	1.30	\$455.00	1.30	\$455.00	COMPLETE DRAFT OF DISCOVERY ISSUES LETTER TO ATTORNEY THENELL; SEND FINAL DRAFT TO ATTORNEY SNYDER FOR REVIEW.
01/20/2023	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	REVISE LETTER TO ATTORNEY THENELL.
01/24/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL FROM ATTORNEY THENELL AND REPLY REGARDING SDT DOCUMENTS.
01/30/2023	MELISSA HOPKINS	\$350.00	0.70	\$245.00	0.70	\$245.00	REVIEW LETTER FROM ATTORNEY CROCKETT REGARDING DISCOVERY PRIVILEGE; TELEPHONE CALL WITH ATTORNEY CROCKETT REGARDING WAIVER OF PRIVILEGE.
01/30/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEFENDANTS' RESPONSE TO REQUEST FOR PRODUCTION.
01/31/2023	MELISSA HOPKINS	\$350.00	0.30	\$105.00	0.30	\$105.00	EMAIL WITH ATTORNEY LENON REGARDING SUBPOENAED DOCUMENTS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
02/08/2023	MELISSA HOPKINS	\$350.00	5.20	\$1,820.00	5.20	\$1,820.00	REVIEW ADDITIONAL DISCOVERY; TELEPHONE CALL FROM ATTORNEY STEVE ELZINGA; TELEPHONE CALL TO ATTORNEY LLOYD REGARDING NO RESPONSE TO SDT; BEGIN RESEARCHING NEXT STEPS FOR FAILURE TO RESPOND TO A SDT.
02/09/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVIEW DEFENDANT'S SECOND REQUEST FOR PRODUCTION; EMAIL TO ATTORNEY HOPKINS REGARDING RESPONSE.
02/09/2023	HOLLY LLOYD	\$475.00	0.10	\$47.50	0.00	\$0.00	TELEPHONE CALL WITH ATTORNEY MELISSA HOPKINS REGARDING PROFESSIONALISM QUESTION
02/10/2023	MELISSA HOPKINS	\$350.00	1.10	\$385.00	1.10	\$385.00	REVIEW OBJECTIONS REGARDING SDT; TELEPHONE CALL WITH ATTORNEY STERINGER AND ATTORNEY SNYDER REGARDING DEPOSITION AND TRIAL DATES.
02/11/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	REVIEW OBJECTIONS TO SDT BY ETHERINGTON, LYNDA AND KILBURG; EMAIL TO ATTORNEY HOPKINS REGARDING SAME.
02/14/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL TO ALL ATTORNEYS REGARDING SCHEDULING FOR DEPOSITIONS AND TRIAL DATES.
02/15/2023	MELISSA HOPKINS	\$350.00	0.70	\$245.00	0.70	\$245.00	REVIEW OBJECTIONS TO THE THREE SUBPOENAS; RESEARCH NEXT STEPS AND TIMING OF MOTIONS TO COMPEL.
02/15/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	MULTIPLE EMAILS REGARDING TRIAL DATES.
02/17/2023	MELISSA HOPKINS	\$350.00	0.20	\$70.00	0.20	\$70.00	ATTEND STATUS HEARING REGARDING TRIAL DATE.
02/21/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL TO ATTORNEY THENELL AND ATTORNEY LENON REGARDING DEPOSITION DATES.
03/02/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEPOSITIONS AND TRIAL DATE AND DEFENDANT'S REQUEST TO RE-SCHEDULE.
03/02/2023	MELISSA HOPKINS	\$350.00	0.80	\$280.00	0.80	\$280.00	EMAILS WITH OPPOSING COUNSEL REGARDING RESETTING TRIAL DATE; RESEARCH WASHINGTON CASES FROM OPPOSING COUNSEL AND EMAIL TO ATTORNEY SNYDER REGARDING SAME; EMAIL TO OPPOSING COUNSEL REGARDING RESETTING TRIAL DATE.
03/03/2023	MELISSA HOPKINS	\$350.00	1.30	\$455.00	1.30	\$455.00	REVIEW AND RESEARCH FOR MOTIONS TO COMPEL.
03/03/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL FROM OPPOSING COUNSEL AND REPLY REGARDING TRIAL RESET.
03/06/2023	JUDY SNYDER	\$550.00	0.90	\$495.00	0.90	\$495.00	TELEPHONE CALL WITH ATTORNEY CHELSEA PYASETSKY; EMAIL TO ATTORNEY PYASETSKY REGARDING FUTURE TASKS; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEPOSITION SCHEDULE; REVIEW GOVERNMENT ETHICS COMMISSION FINDING; SFO REGARDING PENNER.
03/06/2023	MELISSA HOPKINS	\$350.00	1.60	\$560.00	1.60	\$560.00	TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING PHONE CALL FROM OPPOSING COUNSEL; EMAIL TO OPPOSING COUNSEL REGARDING DEPOSITION DATES; REVIEW OREGON ETHICS COMMISSION OPINIONS.
03/07/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVIEW RESPONSE TO SECOND REQUEST FOR PRODUCTION.
03/08/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	MULTIPLE EMAILS REGARDING SCHEDULING OF DEFENDANTS' DEPOSITIONS.
03/13/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	EMAIL FROM CLIENTS AND REPLY REGARDING GOVERNMENT ETHICS COMMITTEE; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING OBTAINING ETHICS COMMITTEE DOCUMENTS; EMAIL TO CLIENT.
03/14/2023	MELISSA HOPKINS	\$350.00	3.10	\$1,085.00	3.10	\$1,085.00	REVIEW PUBLIC RECORDS AND DISCOVERY PRODUCED BY DEFENDANTS; DRAFT SECOND REQUEST FOR PRODUCTION TO INDIVIDUAL DEFENDANTS.
04/03/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAIL FROM GREG WOOLSEY REGARDING GREGG KOSKELA.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
04/17/2023	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	REVIEW NEWLY PRODUCED DOCUMENTS.
04/19/2023	MELISSA HOPKINS	\$350.00	1.90	\$665.00	1.90	\$665.00	REVIEW DISCOVERY AND PREPARE FOR UPCOMING DEPOSITIONS.
04/20/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	DEPOSITION PREP; EMAIL TO ATTORNEY PYASETSKY.
04/20/2023	MELISSA HOPKINS	\$350.00	2.30	\$805.00	2.30	\$805.00	COMPLETE DEPOSITION PREP FOR ATTORNEY SNYDER.
04/24/2023	JUDY SNYDER	\$550.00	3.00	\$1,650.00	3.00	\$1,650.00	PREPARATION FOR DEPOSITION OF BRIAN SHANNON.
04/25/2023	MELISSA HOPKINS	\$350.00	1.40	\$490.00	0.00	\$0.00	TELEPHONE CALL FROM ATTORNEY SHENOA PAYNE REGARDING HER CASE ON APPEAL; ATTEND DEPOSITION OF BRIAN SHANNON.
04/25/2023	JUDY SNYDER	\$550.00	6.50	\$3,575.00	6.50	\$3,575.00	PREPARATION FOR AND DEPOSE BRIAN SHANNON.
04/26/2023	MELISSA HOPKINS	\$350.00	2.80	\$980.00	2.80	\$980.00	PREP DEPOSITION EXHIBITS; REVIEW EXHIBITS USED IN EARLIER DEPOSITIONS; REVIEW ADDITIONAL DISCOVERY; COMPLETE DEPOSITION PREP FOR RENEE POWELL.
04/27/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEPOSITION OF RENEE POWELL; MULTIPLE EMAILS REGARDING SAME.
04/27/2023	MELISSA HOPKINS	\$350.00	2.70	\$945.00	2.70	\$945.00	DEPOSITION OF RENEE POWELL; TELEPHONE CALL WITH ATTORNEY SNYDER WITH UPDATE.
04/28/2023	MELISSA HOPKINS	\$350.00	2.70	\$945.00	2.70	\$945.00	REVIEW DISCOVERY IN PREPARATION FOR DEPOSITION OF DAVE BROWN.
05/02/2023	MELISSA HOPKINS	\$350.00	4.90	\$1,715.00	4.90	\$1,715.00	RESEARCH AND PREPARE FOR DEPOSITION OF DAVE BROWN.
05/02/2023	HOLLY LLOYD	\$475.00	0.30	\$142.50	0.30	\$142.50	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING UPCOMING DEPOSITIONS.
05/05/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAIL FROM GREG WOOLSEY REGARDING DAVE BROWN DEPOSITION STRATEGY; REVIEW MOTION FOR CONTINUANCE.
05/08/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL TO ATTORNEY PYASETSKY REGARDING RESCHEDULING TREVOR DEHART'S DEPOSITION; EMAIL TO CLIENTS REGARDING NEW TRIAL DATE.
05/09/2023	MELISSA HOPKINS	\$350.00	0.80	\$280.00	0.80	\$280.00	EMAIL TO ATTORNEY SNYDER REGARDING RICHARD BURKE; RESEARCH AND EMAIL TO ATTORNEY SNYDER REGARDING ATTORNEY BOB STERINGER.
05/10/2023	MELISSA HOPKINS	\$350.00	1.80	\$630.00	1.80	\$630.00	BEGIN DRAFTING DISCOVERY ISSUES LETTER; REVIEW DISCOVERY ALREADY PRODUCED.
05/11/2023	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	EMAIL TO ATTORNEY HOPKINS REGARDING DISCOVERY ISSUES.
05/11/2023	MELISSA HOPKINS	\$350.00	0.30	\$105.00	0.30	\$105.00	EMAIL TO AND TELEPHONE CALL WITH ATTORNEY PYASETSKY REGARDING OUTSTANDING DISCOVERY; EMAIL TO ATTORNEY SNYDER AND LEGAL ASSISTANT KABUSREITER-JONES WITH UPDATE.
05/15/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEFENDANT'S TELEPHONE RECORDS AND REQUEST FOR ADMISSIONS.
05/15/2023	MELISSA HOPKINS	\$350.00	6.10	\$2,135.00	6.10	\$2,135.00	CONTINUE RESEARCH AND PREP FOR DAVE BROWN'S DEPOSITION; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING UPDATE.
05/16/2023	MELISSA HOPKINS	\$350.00	5.90	\$2,065.00	5.90	\$2,065.00	CONTINUE RESEARCH REGARDING DISCOVERY PHONE LOGS AND PREP FOR UPCOMING DEPOSITIONS.
05/17/2023	MELISSA HOPKINS	\$350.00	5.10	\$1,785.00	5.10	\$1,785.00	CONTINUE RESEARCH REGARDING DISCOVERY PHONE LOGS AND PREP FOR UPCOMING DEPOSITIONS; TELEPHONE CALL WITH ATTORNEY SNYDER TO DISCUSS NEXT STEPS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
05/17/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	MULTIPLE EMAILS REGARDING NEWBERG SCHOOL BOARD ELECTIONS.
05/19/2023	MELISSA HOPKINS	\$350.00	2.60	\$910.00	2.60	\$910.00	EMAIL TO ATTORNEY PYASETSKY REGARDING ADDITIONAL MISSING DISCOVERY AND TO SCHEDULE PHONE CALL TO CONFER; CONTINUE PREPARING FOR UPCOMING DEPOSITIONS; CONTINUE RESEARCH REGARDING MOTION TO COMPEL.
05/22/2023	MELISSA HOPKINS	\$350.00	2.80	\$980.00	2.80	\$980.00	CONTINUE PREPARING FOR DEPOSITIONS AND POSSIBLE MOTION TO COMPEL.
05/23/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVIEW AGENDAS FOR TODAY'S BOARD MEETINGS; EMAIL TO ATTORNEY HOPKINS REGARDING STRATEGY OF DISCOVERY DISPUTES.
05/24/2023	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	READ AND RESPOND TO ATTORNEY PYASETSKY'S EMAIL ABOUT NO NEW DISCOVERY.
05/30/2023	MELISSA HOPKINS	\$350.00	0.30	\$105.00	0.30	\$105.00	TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING NEXT STEPS.
05/30/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.00	\$0.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING OGEK.
05/31/2023	MELISSA HOPKINS	\$350.00	3.10	\$1,085.00	1.60	\$560.00	EMAILS WITH ATTORNEY STERINGER REGARDING SETTLEMENT; EMAIL TO ATTORNEY SNYDER REGARDING SAME; TELEPHONE CALL WITH ATTORNEY STERINGER REGARDING SAME; EMAIL TO ATTORNEY SNYDER WITH UPDATE; EMAIL TO ATTORNEY PYASETSKY REGARDING MOTION TO COMPEL MISSING TEXT MESSAGES.
05/31/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	MULTIPLE EMAILS REGARDING DISCOVERY, DEPOSITIONS AND POSSIBLE SETTLEMENT.
06/01/2023	MELISSA HOPKINS	\$350.00	5.10	\$1,785.00	4.70	\$1,645.00	TELEPHONE CALL AND EMAIL TO ATTORNEY PYASETSKY REGARDING CONFERRAL ON MOTION TO COMPEL; BEGIN DRAFTING MOTION TO COMPEL.
06/02/2023	MELISSA HOPKINS	\$350.00	3.80	\$1,330.00	3.80	\$1,330.00	CONTINUE RESEARCHING AND DRAFTING MOTION TO COMPEL.
06/05/2023	MELISSA HOPKINS	\$350.00	3.80	\$1,330.00	3.80	\$1,330.00	CONTINUE RESEARCH AND DRAFTING OF MOTION TO COMPEL AND SUPPORTING DECLARATION.
06/06/2023	MELISSA HOPKINS	\$350.00	4.30	\$1,505.00	4.30	\$1,505.00	COMPLETE RESEARCH AND FINALIZE MOTION TO COMPEL AND SUPPORTING DECLARATION; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
06/07/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.30	\$165.00	REVISE MOTION TO COMPEL.
06/07/2023	MELISSA HOPKINS	\$350.00	2.80	\$980.00	2.20	\$770.00	REVIEW AND FINALIZE MOTION TO COMPEL AND SUPPORTING DECLARATION; EMAIL FINAL VERSION TO CLIENTS.
06/08/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVIEW FINAL DOCUMENTS REGARDING MOTION TO COMPEL.
06/15/2023	MELISSA HOPKINS	\$350.00	5.80	\$2,030.00	5.80	\$2,030.00	REVIEW DEHART EMAILS.
06/16/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING LOCATING MISSING DISCOVERY AND REPLY TO MOTION TO COMPEL.
06/16/2023	MELISSA HOPKINS	\$350.00	6.60	\$2,310.00	6.60	\$2,310.00	CONTINUE REVIEW OF DEHART EMAILS; TELEPHONE CALL WITH ATTORNEY SNYDER WITH UPDATE ON DRAFTING THE REPLY TO MOTION TO COMPEL.
06/19/2023	MELISSA HOPKINS	\$350.00	3.60	\$1,260.00	3.60	\$1,260.00	COMPLETE REVIEW OF DEHART EMAILS.
06/20/2023	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING REPLY TO MOTION TO COMPEL.

## EXHIBIT 1

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06/20/2023	MELISSA HOPKINS	\$350.00	2.40	\$840.00	2.40	\$840.00	REVIEW DISCOVERY AND BEGIN DRAFTING REPLY TO MOTION TO COMPEL.
06/21/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING REPLY; REVISE SAME AND DECLARATION; EMAIL TO ATTORNEY HOPKINS.
06/21/2023	MELISSA HOPKINS	\$350.00	6.70	\$2,345.00	6.70	\$2,345.00	COMPLETE DRAFT OF REPLY TO MOTION TO COMPEL AND DECLARATION; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW; MAKE FINAL EDITS TO SAME; EMAIL CLIENTS A COPY OF SAME.
06/22/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL FROM KAT MCNEAL AND REPLY REGARDING CONFIDENTIAL DOCUMENTS.
07/06/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.00	\$0.00	READ DECISION IN DEHART V. TOFTE CASE.
07/10/2023	MELISSA HOPKINS	\$350.00	5.20	\$1,820.00	5.20	\$1,820.00	RESEARCH NEW CLAIMS REGARDING SUPERINTENDENT CONTRACT; TELEPHONE CALL WITH KAT MCNEAL REGARDING SAME; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING UPDATE.
07/17/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	OFFICE CONFERENCE WITH ATTORNEY HOPKINS REGARDING CASE STRATEGY.
07/24/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING ORDER ON MOTION TO COMPEL AND DEPOSITION STRATEGY.
07/24/2023	MELISSA HOPKINS	\$350.00	3.80	\$1,330.00	3.80	\$1,330.00	PREPARE FOR MOTION TO COMPEL ORAL ARGUMENT; ATTEND MOTION TO COMPEL HEARING; TELEPHONE CALL WITH ATTORNEY SNYDER WITH UPDATE; TELEPHONE CALL WITH KAT MCNEAL; DRAFT MOTION TO COMPEL ORDER AND EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW; DRAFT AND SEND EMAIL UPDATE TO ALL CLIENTS; EMAIL FROM GREG WOOLSEY AND REPLY.
07/25/2023	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	REVISE ORDER ON MOTION TO COMPEL.
07/25/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL ORDER ON MOTION TO COMPEL TO OPPOSING COUNSEL FOR REVIEW.
07/26/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEHART'S RESPONSE.
07/26/2023	MELISSA HOPKINS	\$350.00	1.30	\$455.00	1.30	\$455.00	TELEPHONE CALL WITH OPPOSING COUNSEL REGARDING MOTION TO COMPEL ORDER AND NEED TO DELAY DISCOVERY; REVISE MOTION TO COMPEL ORDER AND EMAIL TO OPPOSING COUNSEL REGARDING DISCOVERY DELAY; EMAIL TO OPPOSING COUNSEL AND JUDGE'S CLERK REGARDING ATTORNEY'S FEES AND COSTS.
07/27/2023	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING ORDER ON MOTION TO COMPEL.
08/16/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	EMAILS WITH CLIENTS REGARDING ATTORNEYS FEES PAID BY THE DISTRICT FOR BOARD MEMBERS; REVIEW DEFENDANTS' THIRD REQUEST FOR PRODUCTION.
08/21/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAILS WITH ATTORNEY PYASETSKYK REGARDING AUDIO FROM HEARING ON MOTION TO COMPEL AND CONSENT TO ORDER.
08/23/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING MISSING TEXT MESSAGES.
08/23/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING ORDER ON MOTION TO COMPEL AND COLLECTION OPTIONS.
08/23/2023	MELISSA HOPKINS	\$350.00	1.40	\$490.00	1.40	\$490.00	EMAILS WITH ATTORNEY PYASETSKYK REGARDING ORDER ON MOTION TO COMPEL; REVIEW DISCOVERY PRODUCED BY DEFENDANTS; BEGIN COMPARING TEXT MESSAGES LOGS.
08/24/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVISE LETTER TO DEFENSE ATTORNEYS REGARDING MISSING DISCOVERY; EMAIL TO ATTORNEY HOPKINS REGARDING ADDITIONAL CHANGES.

## EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
08/24/2023	MELISSA HOPKINS	\$350.00	5.10	\$1,785.00	5.10	\$1,785.00	RESEARCH AND DRAFT DISCOVERY ISSUES LETTER REGARDING DOCUMENTS PRODUCED BY INDIVIDUAL DEFENDANTS; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
08/30/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	EMAILS REGARDING DISCOVERY ISSUES AND DEPOSITION SCHEDULE; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING CASE STATUS.
08/30/2023	MELISSA HOPKINS	\$350.00	2.40	\$840.00	2.40	\$840.00	RESEARCH AND DRAFT RESPONSE TO INDIVIDUAL DEFENDANTS' THIRD REQUEST FOR PRODUCTION; EMAIL COURT CLERK REGARDING DISCOVERY PRODUCED IN RESPONSE TO MOTION TO COMPEL AND ISSUES; EMAIL TO DEFENSE COUNSEL REGARDING UPCOMING DEPOSITIONS; RESEARCH INFO FOR DMV SEARCH OF ASSETS.
08/31/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVIEW PLAINTIFFS' RESPONSE TO INDIVIDUAL DEFENDANTS' THIRD REQUEST FOR PRODUCTION.
09/05/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEPOSITION PREPARATION.
09/05/2023	MELISSA HOPKINS	\$350.00	8.90	\$3,115.00	8.90	\$3,115.00	COMPLETE DEPO PREP FOR DAVE BROWN AND TREVOR DEHART; COMPLETE EXHIBITS FOR SAME; TELEPHONE CALL WITH ATTORNEY LLOYD REGARDING STRATEGY; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING STRATEGY; DRIVE TO AND FROM THE OFFICE TO PICK UP HARD COPIES OF DEPOSITION EXHIBITS.
09/05/2023	HOLLY LLOYD	\$475.00	0.40	\$190.00	0.40	\$190.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEPOSITION TECHNIQUE.
09/06/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DAVE BROWN'S DEPOSITION.
09/06/2023	MELISSA HOPKINS	\$350.00	10.90	\$3,815.00	10.90	\$3,815.00	DEPOSITION OF DAVE BROWN; COMPLETE DEPO PREP FOR TREVOR DEHART.
09/07/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL FROM ATTORNEY HOPKINS REGARDING DEPOSITION OF TREVOR DEHART AND DISCOVERY ISSUES.
09/07/2023	MELISSA HOPKINS	\$350.00	5.20	\$1,820.00	5.20	\$1,820.00	DEPOSITION OF TREVOR DEHART; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING NEXT STEPS; BEGIN BRAINSTORMING REQUEST FOR ADMISSIONS.
09/11/2023	MELISSA HOPKINS	\$350.00	0.60	\$210.00	0.60	\$210.00	COMPLETE DRAFT OF REQUEST FOR ADMISSIONS AND SDTS TO TYLER SMITH AND TYLER SMITH & ASSOCIATES; EMAIL DRAFTS OF SAME TO ATTORNEY SNYDER FOR REVIEW.
09/12/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVISE REQUEST FOR ADMISSIONS; TELEPHONE CALL WITH LEGAL ASSISTANT KABUSREITER-JONES REGARDING REVISIONS TO SAME.
09/12/2023	MELISSA HOPKINS	\$350.00	1.60	\$560.00	1.60	\$560.00	EMAIL TO COURT CLERK REGARDING JUDGE'S PREFERENCE FOR FORMAL MOTION OR LETTER REGARDING CONTEMPT OF COURT; EMAIL UPDATE REGARDING DISCOVERY TO ALL PLAINTIFFS; FINALIZE SDTS; EMAIL SAME TO DEFENSE COUNSEL; RESEARCH AND REVISE REQUEST FOR ADMISSIONS; EMAIL FINAL DRAFTS OF SAME TO ATTORNEY SNYDER FOR REVIEW.
09/13/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVISE AND FINALIZE REQUEST FOR ADMISSIONS.
09/14/2023	HOLLY LLOYD	\$475.00	0.50	\$237.50	0.50	\$237.50	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING CASE STRATEGY.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
09/14/2023	MELISSA HOPKINS	\$350.00	6.30	\$2,205.00	6.30	\$2,205.00	RESEARCH AND REVIEW CASE LAW; TELEPHONE CALL FROM ATTORNEY PYASETSKYK REGARDING INDIVIDUAL DEFENDANTS' THIRD REQUEST FOR PRODUCTION AND POTENTIAL MOTION TO COMPEL; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING UPDATE AND STRATEGY; RESEARCH LEGISLATIVE CHANGES TO STATUTE; CONTACT POTENTIAL WITNESSES TO SCHEDULE DISCUSSIONS; RESEARCH ADDITIONAL CASE LAW TO PREP FOR TRIAL AND POTENTIAL MSJ; TELEPHONE CALL WITH ATTORNEY LLOYD REGARDING TRIAL PREP; BEGIN DRAFTING TIMELINE OF EVIDENCE TO SUPPORT PRIMA FACIE CASE.
09/14/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING STATUS OF DISCOVERY AND TRIAL PREP.
09/15/2023	MELISSA HOPKINS	\$350.00	1.60	\$560.00	1.60	\$560.00	CONTINUE RESEARCH AND REVIEW OF CASE LAW AND DISCOVERY.
09/22/2023	MELISSA HOPKINS	\$350.00	3.10	\$1,085.00	3.10	\$1,085.00	CONTINUE RESEARCH IN PREP FOR MSJ REGARDING THIRD PARTY UNJUST ENRICHMENT AND SERIAL COMMUNICATIONS.
09/25/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL WITH ROB BOVETT REGARDING PHONE CALL.
09/26/2023	MELISSA HOPKINS	\$350.00	1.80	\$630.00	1.80	\$630.00	TELEPHONE CALL WITH GREG WOOLSEY REGARDING CASE UPDATE AND NEXT STEPS.
09/27/2023	HOLLY LLOYD	\$475.00	0.20	\$95.00	0.20	\$95.00	EMAILS AND TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DISTRICT FILING OF MSJ FOR INDIVIDUAL DEFENDANTS.
09/28/2023	MELISSA HOPKINS	\$350.00	1.60	\$560.00	1.60	\$560.00	TELEPHONE CALL TO ROB BOVETT REGARDING SERIAL COMMUNICATION IN VIOLATION OF PUBLIC MEETING LAWS; BEGIN RESEARCHING ADDITIONAL INFO REGARDING SAME.
10/02/2023	MELISSA HOPKINS	\$350.00	3.20	\$1,120.00	3.20	\$1,120.00	CONTINUE RESEARCHING ADDITIONAL INFOR REGARDING SERIAL COMMUNICATIONS.
10/04/2023	MELISSA HOPKINS	\$350.00	5.70	\$1,995.00	5.70	\$1,995.00	CONTINUE RESEARCH REGARDING MSJ RESPONSE; REVIEW DOCUMENTS FROM TYLER SMITH; EMAIL FROM ATTORNEY STERINGER AND REPLY REGARDING MSJ ORAL ARGUMENT SCHEDULING.
10/05/2023	MELISSA HOPKINS	\$350.00	4.10	\$1,435.00	4.10	\$1,435.00	CONTINUE RESEARCH FOR MSJ RESPONSE; TELEPHONE CALL FROM ATTORNEY STERINGER; EMAIL TO ATTORNEY SNYDER WITH UPDATE; TELEPHONE CALL WITH CLIENTS REGARDING CONVERSATION WITH ATTORNEY STERINGER AND NEXT STEPS.
10/06/2023	MELISSA HOPKINS	\$350.00	3.70	\$1,295.00	3.70	\$1,295.00	CONTINUE REVIEWING RESEARCH AND DISCOVERY FOR MSJ RESPONSE.
10/08/2023	JUDY SNYDER	\$550.00	0.60	\$330.00	0.60	\$330.00	EMAIL TO ATTORNEY HOPKINS REGARDING RESPONSE TO MSJ; EMAIL FROM CLIENT AND REPLY.
10/09/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING RESPONSE TO NSD MSJ AND MSJ BY INDIVIDUAL DEFENDANTS THAT WAS NOT FILED WITH THE COURT.
10/09/2023	MELISSA HOPKINS	\$350.00	1.90	\$665.00	1.90	\$665.00	EMAIL TO ATTORNEY SNYDER WITH UPDATE; CONTINUE RESEARCHING AND DRAFTING MSJ RESPONSE.
10/10/2023	MELISSA HOPKINS	\$350.00	6.10	\$2,135.00	6.10	\$2,135.00	CONTINUE RESEARCHING, REVIEWING DISCOVERY AND DRAFTING RESPONSE TO NSD MSJ.
10/11/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEFENSE COUNSEL'S REQUEST FOR PLAINTIFFS' DEPOSITIONS AND MOTION FOR SANCTIONS.
10/11/2023	MELISSA HOPKINS	\$350.00	3.40	\$1,190.00	3.40	\$1,190.00	CONTINUE RESEARCHING AND DRAFTING RESPONSE TO NSD MSJ; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING DEPOSITIONS AND MOTION FOR SANCTIONS.
10/12/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	REVISE AND FINALIZE LETTER TO ATTORNEYS THENELL AND PYASETSKYK; EMAIL TO ATTORNEY HOPKINS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
10/12/2023	MELISSA HOPKINS	\$350.00	6.70	\$2,345.00	6.70	\$2,345.00	DRAFT LETTER REGARDING DEPOSITIONS; CONTINUE DRAFTING RESPONSE TO NSD MSJ.
10/13/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TWO EMAILS TO ATTORNEY HOPKINS REGARDING SEEKING A PROTECTIVE ORDER TO PREVENT DEPOSITIONS OF PLAINTIFFS.
10/13/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING RESPONSES TO MSJ.
10/13/2023	MELISSA HOPKINS	\$350.00	6.90	\$2,415.00	6.90	\$2,415.00	COMPLETE DRAFT OF RESPONSE TO NSD MSJ.
10/16/2023	JUDY SNYDER	\$550.00	1.00	\$550.00	1.00	\$550.00	REVISE FINAL DRAFT OF RESPONSE TO NSD MSJ.
10/16/2023	JUDY SNYDER	\$550.00	1.00	\$550.00	1.00	\$550.00	REVISE RESPONSE TO NSD MSJ AND PLAINTIFFS' MOTION TO STRIKE INDIVIDUAL DEFENDANTS' MSJ; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SAME; TELEPHONE CALL WITH LEGAL ASSISTANT KABUSREITER-JONES REGARDING EXHIBITS TO SAME.
10/16/2023	MELISSA HOPKINS	\$350.00	4.20	\$1,470.00	4.20	\$1,470.00	REVIEW, REVISE AND FINALIZE RESPONSE TO NSD MSJ; REVIEW ALL EXHIBITS AND REVISE RESPONSE TO MSJ.
10/17/2023	JUDY SNYDER	\$550.00	1.50	\$825.00	1.50	\$825.00	TWO TELEPHONE CALLS WITH ATTORNEY HOPKINS REGARDING STRATEGY; REVISE AND FINALIZE RESPONSE TO NSD MSJ.
10/17/2023	MELISSA HOPKINS	\$350.00	6.10	\$2,135.00	6.10	\$2,135.00	REVISE AND FINALIZE RESPONSE TO NSD MSJ; BEGIN RESEARCH FOR MOTION FOR SANCTIONS AND PROTECTIVE ORDER TO PREVENT DEPOSITIONS.
10/18/2023	MELISSA HOPKINS	\$350.00	5.10	\$1,785.00	5.10	\$1,785.00	CONTINUE RESEARCH REGARDING MOTION FOR PROTECTIVE ORDER AND MOTION FOR SANCTIONS; EMAIL TO OPPOSING COUNSEL REGARDING SCHEDULING CONFERRAL PHONE CALL.
10/19/2023	MELISSA HOPKINS	\$350.00	6.20	\$2,170.00	6.20	\$2,170.00	COMPLETE MOTION FOR PROTECTIVE ORDER AND MOTION FOR EXPEDIATED HEARING; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW; CONTINUE RESEARCH ON MOTION FOR SANCTIONS.
10/20/2023	JUDY SNYDER	\$550.00	1.00	\$550.00	1.00	\$550.00	REVISE MOTION TO STRIKE INDIVIDUAL DEFENDANTS' MSJ.
10/20/2023	JUDY SNYDER	\$550.00	0.90	\$495.00	0.90	\$495.00	REVIEW DEFENDANTS' DECLARATION REGARDING LATE FILING OF INDIVIDUAL DEFENDANTS' MSJ; TELEPHONE CALL WITH ATTORNEY HOPKINS; REVISE MOTION FOR PROTECTIVE ORDER, DECLARATION AND MOTION FOR EXPEDIATED HEARING.
10/20/2023	MELISSA HOPKINS	\$350.00	6.80	\$2,380.00	6.80	\$2,380.00	REVISE DRAFT OF MOTION FOR PROTECTIVE ORDER AND MOTION FOR EXPEDIATED HEARING; CONTINUE RESEARCHING MOTION FOR SANCTIONS; BEGIN DRAFTING MOTION TO STRIKE INDIVIDUAL DEFENDANTS' MSJ.
10/23/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	REVISE MOTION TO STRIKE; EMAIL TO ATTORNEY HOPKINS AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING FILING.
10/23/2023	MELISSA HOPKINS	\$350.00	5.80	\$2,030.00	5.80	\$2,030.00	CONTINUE RESEARCH REGARDING MOTION FOR SANCTIONS; FINALIZE DRAFT OF MOTION TO STRIKE INDIVIDUAL DEFENDANTS' MSJ; TELEPHONE CALL WITH ATTORNEYS STERINGER AND PYASETSKY TO CONFER ON MOTIONS; BEGIN DRAFTING MOTION FOR SANCTIONS.
10/24/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAIL FROM ATTORNEY STERINGER AND REPLY REGARDING MOTION TO STRIKE.
10/24/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING STRATEGY FOR PENDING MOTIONS.
10/24/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAIL TO ATTORNEY HOPKINS REGARDING HEARINGS ON MOTIONS AND CONFERRAL.

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10/24/2023	MELISSA HOPKINS	\$350.00	5.40	\$1,890.00	5.40	\$1,890.00	COMPLETE DRAFT OF MOTION FOR SANCTIONS; TELEPHONE CALL WITH ATTORNEY PYSATESKYY REGARDING CONFERRAL ON MOTION TO STRIKE; EMAIL TO OPPOSING COUNSEL REGARDING ORDER ON MOTION FOR EXPEDIATED HEARING; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING DEFENSE COUNSEL'S REQUEST TO COMBINE HEARINGS.
10/25/2023	JUDY SNYDER	\$550.00	0.60	\$330.00	0.60	\$330.00	REVIEW INDIVIDUAL DEFENDANTS' RESPONSE TO MOTION TO STRIKE AND DECLARATION; REVISE PLAINTIFFS' REPLY TO SAME; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SAME.
10/25/2023	JUDY SNYDER	\$550.00	2.30	\$1,265.00	2.30	\$1,265.00	PHONE CALL WITH ATTORNEY HOPKINS AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING TRIAL PREPARATION; REVIEW ATTORNEY PYASETSKY'S LETTER TO THE COURT; EMAIL TO ATTORNEY HOPKINS; REVISE MOTION FOR SANCTIONS AND DECLARATION OF ATTORNEY HOPKINS.
10/25/2023	HOLLY LLOYD	\$475.00	0.40	\$190.00	0.40	\$190.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING MSJ AND MOTION TO STRIKE ISSUES.
10/25/2023	MELISSA HOPKINS	\$350.00	7.60	\$2,660.00	7.60	\$2,660.00	TELEPHONE CALL WITH ATTORNEY SNYDER AND LEGAL ASSISTANT KABUSREITER-JONES TO DISCUSS TRIAL STRATEGY AND NEXT STEPS; TELEPHONE CALL TO NATHAN RIETMANN; TELEPHONE CALL TO JOE MORELOCK; TELEPHONE CALL TO TYLER SMITH; EMAIL TO ATTORNEY SNYDER REGARDING SAME AND PERPETUATION DEPOSITION OF TYLER SMITH; FINALIZE MOTION FOR SANCTIONS; REVIEW INDIVIDUAL DEFENDANTS' RESPONSE TO MOTION TO STRIKE; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING THE REPLY TO SAME; EMAIL TO COURT AND OPPOSING COUNSEL REGARDING ORAL ARGUMENT SCHEDULING REGARDING MOTION FOR PROTECTIVE ORDER AND MOTION TO STRIKE.
10/26/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	REVIEW FINAL OF PLAINTIFFS' REPLY TO MOTION TO STRIKE; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING TRIAL SUBPOENA TO TYLER SMITH; EMAILS REGARDING NSD'S REPLY TO MSJ.
10/26/2023	MELISSA HOPKINS	\$350.00	2.30	\$805.00	2.30	\$805.00	EMAIL TO COURT CLERK REGARDING PHONE HEARING; EMAILS WITH OPPOSING COUNSEL REGARDING POTENTIAL MOTION TO STRIKE NSD'S REPLY TO MSJ; REVIEW NSD REPLY TO MSJ; REVIEW OPPOSITION TO MOTION FOR PROTECTIVE ORDER.
10/27/2023	JUDY SNYDER	\$550.00	2.00	\$1,100.00	2.00	\$1,100.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING PREPARATION FOR HEARING; REMOTELY ATTEND MOTION FOR PROTECTIVE ORDER AND MOTION TO STRIKE ORAL ARGUMENT; EMAIL TO LEGAL ASSISTANT KABUSREITER-JONES REGARDING DEPOSITION SCHEDULE AND DEPOSITION PREP.
10/27/2023	MELISSA HOPKINS	\$350.00	3.10	\$1,085.00	3.10	\$1,085.00	REVIEW FILED DOCUMENTS AND PREPARE FOR ORAL ARGUMENT ON MOTION TO STRIKE AND MOTION FOR PROTECTIVE ORDER; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING ORAL ARGUMENT; ATTEND ORAL ARGUMENT; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING NEXT STEPS.
10/30/2023	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	DRAFT ORDERS ON MOTION FOR PROTECTIVE ORDER AND MOTION TO STRIKE; SEND SAME TO ATTORNEY SNYDER FOR REVIEW.
10/31/2023	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	TELEPHONE CALL WITH LEGAL ASSISTANT KABUSREITER-JONES REGARDING DEPOSITIONS OF PLAINTIFFS; REVISE DRAFT ORDERS ON MOTION FOR PROTECTIVE ORDER AND MOTION TO STRIKE; EMAIL TO ATTORNEY HOPKINS REGARDING SAME; EMAIL TO ATTORNEYS REGARDING PLAINTIFFS' DEPOSITIONS; EMAIL TO CLIENTS.
10/31/2023	MELISSA HOPKINS	\$350.00	2.40	\$840.00	2.40	\$840.00	EMAIL DRAFT ORDERS TO DEFENSE COUNSEL; CONTINUE RESEARCH AND BEGIN DRAFTING RESPONSE TO INDIVIDUAL DEFENDANTS' MSJ.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
11/01/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING MOTION FOR SANCTIONS.
11/01/2023	MELISSA HOPKINS	\$350.00	5.20	\$1,820.00	5.20	\$1,820.00	CONTINUE DRAFTING RESPONSE TO INDIVIDUAL DEFENDANTS' MSJ; REVIEW INDIVIDUAL DEFENDANTS' RESPONSE TO MOTION FOR SANCTIONS; REVIEW NEWBERG SCHOOL DISTRICT'S REPLY TO MOTION FOR SUMMARY JUDGMENT; REVIEW ORDER IN EARLIER CASE PROVIDED BY ATTORNEY NATHAN REITMANN.
11/02/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DECISION ON MOTION FOR SANCTIONS AND TRIAL PREP; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING RESPONSE TO MOTION FOR SUMMARY JUDGMENT.
11/02/2023	MELISSA HOPKINS	\$350.00	6.90	\$2,415.00	6.90	\$2,415.00	PREPARE FOR MOTION FOR SANCTIONS ORAL ARGUMENT; ATTEND ORAL ARGUMENT; DRAFT ORDER REGARDING MOTION FOR SANCTIONS; COMPLETE DRAFT RESPONSE TO INDIVIDUAL DEFENDANTS' MSJ AND DECLARATION; EMAIL DRAFTS OF SAME TO ATTORNEY SNYDER.
11/03/2023	JUDY SNYDER	\$550.00	1.40	\$770.00	1.40	\$770.00	REVISE RESPONSE TO INDIVIDUAL DEFENDANTS' MSJ.
11/03/2023	MELISSA HOPKINS	\$350.00	0.70	\$245.00	0.70	\$245.00	REVISE RESPONSE TO INDIVIDUAL DEFENDANTS' MSJ.
11/05/2023	JUDY SNYDER	\$550.00	2.00	\$1,100.00	2.00	\$1,100.00	EMAIL FROM CLIENT ELIZABETH GEMEROY; MULTIPLE EMAILS TO RESCHEDULE HER DEPOSITION; DEPOSITION PREP SESSION WITH CLIENTS; MULTIPLE EMAILS TO CLIENTS WITH KEY DOCUMENTS TO REVIEW; EMAIL TO ATTORNEY HOPKINS REGARDING TRIAL PREP.
11/05/2023	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL TO ATTORNEY SNYDER REGARDING IN PERSON ORAL ARGUMENT FOR MSJ.
11/06/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING HEARING ON MSJ.
11/06/2023	MELISSA HOPKINS	\$350.00	9.10	\$3,185.00	9.10	\$3,185.00	PREPARE FOR MSJ ORAL ARGUMENT; DRIVE TO AND FROM COURTHOUSE; ATTEND ORAL ARGUMENT ON DEFENDANTS MOTIONS FOR SUMMARY JUDGMENT; MEET WITH CLIENTS.
11/07/2023	JUDY SNYDER	\$550.00	1.20	\$660.00	1.20	\$660.00	TELEPHONE CALL WITH ATTORNEY HOPKINS AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING TRIAL WITNESSES AND DEPOSITIONS; EMAIL TO CLIENTS REGARDING CONTACT INFO FOR WITNESSES.
11/07/2023	MELISSA HOPKINS	\$350.00	3.20	\$1,120.00	3.20	\$1,120.00	CONTACT AND SPEAK WITH POTENTIAL WITNESSES ABOUT TESTIFYING AT TRIAL.
11/08/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING PREPARATION FOR CLIENTS' DEPOSITIONS.
11/09/2023	JUDY SNYDER	\$550.00	4.20	\$2,310.00	4.20	\$2,310.00	OFFICE CONFERENCE WITH CLIENT STEFAN CZARNECKI; DEFEND DEPO OF STEFAN CZARNECKI; MEET WITH CLIENTS BETH WOOLSEY AND JEFF MCNEAL; DEFEND DEPO OF BETH WOOLSEY; OFFICE CONFERENCE WITH ATTORNEY HOPKINS REGARDING DEPOSITIONS.
11/09/2023	MELISSA HOPKINS	\$350.00	5.40	\$1,890.00	5.40	\$1,890.00	ATTEND DEPOSITIONS OF CLIENTS JEFF AND KAT MCNEAL; EMAIL TO GREG WOOLSEY REGARDING DEPOSITION TOMORROW.
11/09/2023	HOLLY LLOYD	\$475.00	0.60	\$285.00	0.60	\$285.00	TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING DISCOVERABILITY OF ATTORNEY FEE AGREEMENT; EMAIL TO ATTORNEY SNYDER REGARDING SAME.
11/10/2023	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	OFFICE CONFERENCE WITH CLIENT GREG WOOLSEY FOR DEPO PREP.
11/10/2023	MELISSA HOPKINS	\$350.00	3.50	\$1,225.00	3.50	\$1,225.00	PREPARE CLIENTS AND ATTEND DEPOSITION OF GREG WOOLSEY AND MEGHAN ROGERS-CZARNECKI.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
11/12/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVIEW OPINION LETTER ON MSJ; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SAME AND TRIAL PREP; EMAIL TO CLIENTS.
11/13/2023	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAILS REGARDING DEPOSITION OF CLIENT ELIZABETH GEMEROY.
11/15/2023	JUDY SNYDER	\$550.00	2.50	\$1,375.00	2.50	\$1,375.00	TWO EMAILS WITH CLIENT ELIZABETH GEMEROY; DEFEND CLIENT ELIZABETH GEMEROY'S DEPOSITION; MULTIPLE EMAILS REGARDING TRIAL PREP; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING JENNIFER NELSON'S TESTIMONY.
11/15/2023	MELISSA HOPKINS	\$350.00	2.80	\$980.00	2.80	\$980.00	TELEPHONE CALL TO TRIAL WITNESSES; REVIEW MESSAGES FROM ATTORNEY SNYDER REGARDING TRIAL; RESEARCH PUBLIC RECORDS REQUESTS TO ATTEMPT TO LOCATE TEXT MESSAGES.
11/16/2023	JUDY SNYDER	\$550.00	1.00	\$550.00	1.00	\$550.00	MULTIPLE EMAILS WITH LEGAL ASSISTANT KABUSREITER-JONES AND ATTORNEY HOPKINS REGARDING TRIAL PREPARATION; COURT APPEARANCE FOR TRIAL READINESS.
11/16/2023	MELISSA HOPKINS	\$350.00	4.30	\$1,505.00	4.30	\$1,505.00	REVIEW ALL DISCOVERY AND PREPARE EXHIBITS FOR TRIAL.
11/17/2023	JUDY SNYDER	\$550.00	4.00	\$2,200.00	4.00	\$2,200.00	IDENTIFY PORTIONS OF DEFENDANTS' DEPOSITION TRANSCRIPTS FOR VIDEO EXCERPTS; EMAIL TO CLIENT; CONFERENCE CALL WITH ATTORNEY HOPKINS AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING TRIAL PREPARATION, WITNESS SCHEDULE AND EXHIBITS.
11/17/2023	MELISSA HOPKINS	\$350.00	8.60	\$3,010.00	8.60	\$3,010.00	COMPLETE REVIEW OF ALL DISCOVERY; PREPARE TRIAL EXHIBITS; CONFERENCE CALL WITH LEGAL ASSISTANT KABUSREITER-JONES AND ATTORNEY SNYDER REGARDING TRIAL PREP; TELEPHONE CALL TO TRIAL WITNESSES.
11/19/2023	JUDY SNYDER	\$550.00	2.00	\$1,100.00	2.00	\$1,100.00	CONTINUE MARKING DEFENDANTS' DEPOSITION TRANSCRIPTS FOR USE AT TRIAL AND REVIEW OF POSSIBLE TRIAL EXHIBITS.
11/19/2023	MELISSA HOPKINS	\$350.00	1.40	\$490.00	1.40	\$490.00	EMAIL TO ATTORNEY SNYDER REGARDING RELEVANT TEXT MESSAGES; MARK TIMESTAMP OF NOVEMBER 9 BOARD MEETING VIDEO PORTIONS; EMAIL SAME TO LEGAL ASSISTANT KABUSREITER-JONES.
11/20/2023	JUDY SNYDER	\$550.00	4.00	\$2,200.00	4.00	\$2,200.00	COMPLETE MARKING OF DEPOSITION TRANSCRIPTS AND IDENTIFYING TRIAL EXHIBITS; REVISE DEMONSTRATIVE EXHIBIT; MULTIPLE TELEPHONE CALLS WITH ATTORNEY HOPKINS REGARDING TRIAL PREPARATION.
11/20/2023	MELISSA HOPKINS	\$350.00	3.90	\$1,365.00	3.90	\$1,365.00	DRAFT PHONE NUMBER DEMONSTRATIVE; EMAIL TO PARALEGAL BROWN TO FINALIZE; DRAFT TRIAL MEMO; EMAIL TO ATTORNEY SNYDER REGARDING SAME.
11/21/2023	JUDY SNYDER	\$550.00	4.00	\$2,200.00	4.00	\$2,200.00	REVISE PLAINTIFFS' TRIAL MEMO; REVIEW TRIAL EXHIBITS; REVISE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW; CONFERENCE CALL WITH LEGAL ASSISTANT KABUSREITER-JONES AND ATTORNEY HOPKINS.
11/21/2023	MELISSA HOPKINS	\$350.00	6.70	\$2,345.00	6.70	\$2,345.00	FINALIZE TRIAL MEMO; FINALIZE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW; BEGIN REVIEWING EXHIBITS AND DRAFTING WITNESS QUESTIONS; TELEPHONE CALL WITH ATTORNEY SNYDER AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING FINAL TRIAL PREPARATIONS.
11/22/2023	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVISE FINDINGS OF FACT AND CONCLUSIONS OF LAW; EMAIL TO ATTORNEY HOPKINS AND LEGAL ASSISTANT KABUSREITER-JONES REGARDING FINAL TRIAL PREP.
11/22/2023	MELISSA HOPKINS	\$350.00	4.80	\$1,680.00	4.80	\$1,680.00	CONTINUE REVIEWING EXHIBITS AND DRAFTING WITNESS QUESTIONS; REVIEW DEFENSE JOINT EXHIBITS; EMAIL TO REBECCA PIROS WITH EXHIBITS WE INTEND TO USE DURING HER TESTIMONY.
11/24/2023	JUDY SNYDER	\$550.00	1.20	\$660.00	1.20	\$660.00	REVIEW DEFENDANTS' JOINT EXHIBITS; TRIAL PREP; EMAIL TO ATTORNEY HOPKINS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
11/24/2023	MELISSA HOPKINS	\$350.00	2.50	\$875.00	2.50	\$875.00	CONTINUE REVIEWING EXHIBITS AND DRAFTING WITNESS QUESTIONS.
11/26/2023	JUDY SNYDER	\$550.00	4.80	\$2,640.00	4.80	\$2,640.00	EMAIL FROM ATTORNEY STERINGER WITH OBJECTIONS AND ADDITIONS TO DEFENDANTS' DEPO TRANSCRIPTS; MULTIPLE TELEPHONE CALLS WITH ATTORNEY HOPKINS REGARDING EXHIBITS; MULTIPLE EMAILS WITH SUPERINTENDENT MORELOCK; TELEPHONE CALL WITH KAT MCNEAL; REVISE TRIAL MEMO.
11/26/2023	MELISSA HOPKINS	\$350.00	6.70	\$2,345.00	6.70	\$2,345.00	TELEPHONE CALL FROM ATTORNEY SNYDER REGARDING TRIAL; REVIEW AND PREPARE FOR TRIAL.
11/27/2023	JUDY SNYDER	\$550.00	10.00	\$5,500.00	10.00	\$5,500.00	REVISE AND FINALIZE TRIAL MEMO AND FINDINGS OF FACT; EMAIL TO DEFENSE ATTORNEYS REGARDING EXHIBITS; TELEPHONE CALL WITH JOE MORELOCK; CONFERENCE CALL WITH DEFENSE ATTORNEYS REGARDING OBJECTIONS TO EXHIBITS AND DEPO DESIGNATIONS; TRIAL PREP; EMAIL TO CLIENTS; TRAVEL TO MCMINNVILLE; MULTIPLE TELEPHONE CALLS WITH ATTORNEY HOPKINS.
11/27/2023	MELISSA HOPKINS	\$350.00	7.10	\$2,485.00	7.10	\$2,485.00	CONTINUE TO PREPARE FOR TRIAL; FINALIZE OPENING STATEMENT.
11/27/2023	HOLLY LLOYD	\$475.00	0.20	\$95.00	0.20	\$95.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING OPENING STATEMENT.
11/27/2023	HOLLY LLOYD	\$475.00	0.20	\$95.00	0.20	\$95.00	OFFICE CONFERENCE WITH ATTORNEY SNYDER REGARDING AUTHENTICATING BUSINESS RECORDS; EMAIL MEMO TO ATTORNEY HOPKINS REGARDING SAME.
11/27/2023	HOLLY LLOYD	\$475.00	0.20	\$95.00	0.20	\$95.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DEFENDANTS' TRIAL MEMO.
11/28/2023	JUDY SNYDER	\$550.00	10.00	\$5,500.00	10.00	\$5,500.00	TRIAL DAY 1.
11/28/2023	MELISSA HOPKINS	\$350.00	11.90	\$4,165.00	11.90	\$4,165.00	TRIAL DAY 1; PREPARE FOR FOLLOWING DAY OF TRIAL.
11/28/2023	PARALEGAL	\$150.00	10.00	\$1,500.00	10.00	\$1,500.00	TRIAL SUPPORT DAY 1; PREPARE FOR TRIAL DAY 2.
11/29/2023	JUDY SNYDER	\$550.00	10.00	\$5,500.00	10.00	\$5,500.00	TRIAL PREP AND TRIAL DAY 2.
11/29/2023	MELISSA HOPKINS	\$350.00	12.00	\$4,200.00	12.00	\$4,200.00	TRIAL DAY 2.
11/29/2023	PARALEGAL	\$150.00	9.00	\$1,350.00	9.00	\$1,350.00	TRIAL SUPPORT DAY 2; PREPARE FOR TRIAL DAY 3.
11/29/2023	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	PREPARE FOR FOLLOWING DAY OF TRIAL.
11/30/2023	MELISSA HOPKINS	\$350.00	8.10	\$2,835.00	8.10	\$2,835.00	TRIAL DAY 3.
11/30/2023	JUDY SNYDER	\$550.00	10.00	\$5,500.00	10.00	\$5,500.00	PREPARE FOR CROSS EXAMINATION OF DEFENDENTS AND CLOSING ARGUMENT; TRIAL DAY 3.
11/30/2023	PARALEGAL	\$150.00	8.00	\$1,200.00	8.00	\$1,200.00	TRIAL SUPPORT DAY 3.
01/25/2024	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	REVIEW JUDGE EASTERDAY'S OPINION; EMAIL TO CLIENTS REGARDING SAME.
01/26/2024	MELISSA HOPKINS	\$350.00	3.10	\$1,085.00	3.10	\$1,085.00	TELEPHONE CALL WITH ATTORNEY LLOYD TO DISCUSS JUDGMENT DOCUMENTS; EMAILS AND TELEPHONE CALLS WITH REPORTER REGARDING JUDGE EASTERDAY'S OPINION; BEGIN RESEARCHING AND DRAFTING ORDER AND JUDGMENT.
01/26/2024	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	MULTIPLE EMAILS TO STAFF AND CLIENTS REGARDING NEXT STEPS IN LITIGATION.
01/29/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING COURT RULING AND ORDER.
01/30/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING PETITION FOR ATTORNEYS FEES.
01/30/2024	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	BEGIN REVIEWING ATTORNEY FEE SPREADSHEET.
01/31/2024	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	EMAIL FROM ATTORNEY STERINGER; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING OPPOSITION TO EXTENSION; EMAIL TO CLIENTS.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
01/31/2024	MELISSA HOPKINS	\$350.00	0.10	\$35.00	0.10	\$35.00	EMAIL TO ATTORNEY STERINGER REGARDING NO EXTENSION; FORWARD SAME TO CLIENTS AS AN UPDATE.
02/01/2024	MELISSA HOPKINS	\$350.00	2.50	\$875.00	2.50	\$875.00	CONTINUE RESEARCHING AND REVIEWING SIMILAR ORDERS AND JUDGMENTS; EMAIL TO COURT REGARDING EXTENSION OF TIME FOR DEFENSE TO FILE OBJECTIONS.
02/04/2024	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	REVISE TIME RECORDS FOR ATTORNEY FEE PETITION.
02/04/2024	JUDY SNYDER	\$550.00	0.00	\$0.00	0.00	\$0.00	TELEPHONE CALL WITH BETH SLOVIC OF THE OREGONIAN REGARDING CASE STATUS.
02/12/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	EMAILS REGARDING DEFENDANTS' MOTION FOR FINDINGS OF FACT; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SAME; EMAIL TO COURT.
02/12/2024	MELISSA HOPKINS	\$350.00	1.40	\$490.00	1.40	\$490.00	REVIEW DEFENDANTS' OBJECTIONS TO JUDGE EASTERDAY'S OPINION; TELEPHONE CALL WITH ATTORNEY SNYDER TO DISCUSS NEXT STEPS; TELEPHONE CALL FROM KAT MCNEAL REGARDING NEXT STEPS.
02/15/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING BOARD DECISION REGARDING APPEAL AND RESPONSE TO OBJECTIONS.
02/15/2024	MELISSA HOPKINS	\$350.00	2.20	\$770.00	2.20	\$770.00	RESEARCH AND BEGIN DRAFTING RESPONSE TO DEFENDANTS' OBJECTIONS.
02/16/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING RESPONSE TO DEFENDANTS' OBJECTIONS.
02/16/2024	MELISSA HOPKINS	\$350.00	3.70	\$1,295.00	3.70	\$1,295.00	CONTINUE RESEARCHING AND DRAFTING RESPONSE TO DEFENDANT'S OBJECTIONS; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING SAME.
02/19/2024	JUDY SNYDER	\$550.00	0.60	\$330.00	0.60	\$330.00	TELEPHONE CALL WITH ATTORNEY HOPKINS; REVISE RESPONSE TO DEFENDANT'S OBJECTIONS TO FINDINGS OF FACT.
02/19/2024	MELISSA HOPKINS	\$350.00	4.70	\$1,645.00	4.70	\$1,645.00	COMPLETE RESEARCH AND DRAFT OF RESPONSE TO DEFENDANT'S OBJECTIONS; EMAIL SAME TO ATTORNEY SNYDER FOR REVIEW.
02/20/2024	MELISSA HOPKINS	\$350.00	0.60	\$210.00	0.60	\$210.00	REVISE RESPONSE TO DEFENDANT'S OBJECTIONS; TELEPHONE CALL FROM PARALEGAL BROWN WITH EDITS BEFORE FILING.
03/08/2024	MELISSA HOPKINS	\$350.00	0.20	\$70.00	0.20	\$70.00	EMAIL REGARDING PHONE PREFERENCE REGARDING UPCOMING HEARING; EMAIL TO CLIENT GREG WOOLSEY REGARDING UPDATE.
03/11/2024	JUDY SNYDER	\$550.00	0.30	\$165.00	0.20	\$110.00	REVIEW LETTER OPINION FROM JUDGE EASTERDAY; EMAIL TO ATTORNEY HOPKINS REGARDING THE PREPARATION OF JUDGMENT.
03/11/2024	MELISSA HOPKINS	\$350.00	1.60	\$560.00	1.60	\$560.00	PREPARE FOR AND ATTEND HEARING ON DEFENDANTS' REQUEST REGARDING JUDGE EASTERDAY'S OPINION; EMAILS WITH JUDGE EASTERDAY; EMAIL FINAL OPINION TO PLAINTIFFS.
03/12/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING ENTRY OF A JUDGMENT.
03/13/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVISE ORDERS; EMAIL TO ATTORNEY HOPKINS; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING ADDITIONAL REVISIONS.
03/14/2024	MELISSA HOPKINS	\$350.00	1.50	\$525.00	1.50	\$525.00	REVIEW AND EDIT ORDERS FROM BOTH DEFENDANTS; EMAIL DRAFTS OF SAME TO ATTORNEY SNYDER; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING ADDITIONAL CHANGES; EMAIL REVISED PROPOSED ORDERS TO ALL DEFENDANTS WITH OBJECTIONS.
03/18/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVIEW DISTRICT'S PROPOSED ORDER; EMAIL TO ATTORNEY HOPKINS REGARDING SUBMISSION OF ALTERNATIVE ORDER.

# EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
03/18/2024	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	DRAFT PROPOSED ORDER REGARDING OBJECTIONS TO FINDINGS OF FACT; EMAIL SAME TO DEFENSE COUNSEL AND JUDGE EASTERDAY.
03/22/2024	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	REDLINE BOTH ORDERS; EMAIL TO JUDGE EASTERDAY.
03/27/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAIL TO STAFF REGARDING GENERAL JUDGMENT AND STATEMENT FOR ATTORNEYS FEES AND COSTS.
04/03/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	REVISE DRAFT GENERAL JUDGMENT AND MONEY AWARD; EMAIL TO ATTORNEY HOPKINS.
04/03/2024	MELISSA HOPKINS	\$350.00	2.80	\$980.00	2.80	\$980.00	DRAFT GENERAL JUDGMENT AND MONEY AWARD; EMAIL SAME TO ATTORNEY SNYDER; REVISE DRAFT ADN EMAIL SAME TO OPPOSING COUNSEL FOR OBJECTIONS.
04/04/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	EMAILS FROM DEFENSE ATTORNEYS REGARDING CHANGES TO THE PROPOSED GENERAL JUDGMENT; TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING SAME.
04/04/2024	MELISSA HOPKINS	\$350.00	0.70	\$245.00	0.70	\$245.00	TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING EMAILS FROM DEFENSE ATTORNEYS REGARDING GENERAL JUDGMENT AND MONEY AWARD; REVISE DRAFT AND EMAIL SAME TO OPPOSING COUNSEL; EMAIL ATTORNEY PYASETSKY REGARDING TYLER SMITH'S BILLS.
04/05/2024	JUDY SNYDER	\$550.00	0.30	\$165.00	0.30	\$165.00	EMAILS REGARDING DISPUTE ABOUT ATTORNEY TYLER SMITH'S FEES PAID FOR BY THE DISTRICT.
04/16/2024	JUDY SNYDER	\$550.00	1.00	\$550.00	1.00	\$550.00	TELEPHONE CALL WITH ATTORNEY HOPKINS REGARDING DISTRICT'S PAYMENTS TO TYLER SMITH; REVIEW DECLARATION OF HEATHER BIXBY; EMAIL TO KAT MCNEAL; TELEPHONE CALL WITH KAT MCNEAL; TELEPHONE CALL WITH ATTORNEY HOPKINS.
04/16/2024	MELISSA HOPKINS	\$350.00	0.40	\$140.00	0.40	\$140.00	REVIEW DOCUMENT REGARDING TYLER SMITH'S BILLING FROM ATTORNEY STERINGER; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING BILLING ISSUES.
04/19/2024	JUDY SNYDER	\$550.00	0.50	\$275.00	0.50	\$275.00	DRAFT JOINT STIPULATION; REVISE SAME; EMAIL TO DEFENSE ATTORNEYS; DRAFT ORDER REGARDING JOINT STIPULATION.
04/23/2024	JUDY SNYDER	\$550.00	0.80	\$440.00	0.80	\$440.00	EMAIL FROM ATTORNEY PYASETSKY; REVISE STIPULATION; TELEPHONE CALL WITH ATTORNEY HOPKINS; DRAFT ORDER REGARDING STIPULATION.
04/23/2024	JUDY SNYDER	\$550.00	0.10	\$55.00	0.10	\$55.00	EMAIL TO ATTORNEY STERINGER AND ATTORNEY PYASETSKY REGARDING STIPULATION.
04/23/2024	MELISSA HOPKINS	\$350.00	0.50	\$175.00	0.50	\$175.00	REVISE ORDER TO SUPPLEMENT THE RECORD; EMAIL TO ATTORNEY SNYDER REGARDING SAME; TELEPHONE CALL WITH ATTORNEY SNYDER REGARDING SAME.
04/30/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	REVISE GENERAL JUDGMENT.
05/03/2024	JUDY SNYDER	\$550.00	0.20	\$110.00	0.20	\$110.00	EMAILS WITH DEFENSE ATTORNEYS; FINALIZE GENERAL JUDGMENT.
05/06/2024	PARALEGAL	\$150.00	4.80	\$720.00	4.80	\$720.00	REVISE EXHIBIT TO ATTORNEY FEE STATMENT. EMAIL ATTORNEYS REGARDING SAME.
05/07/2024	HOLLY LLOYD	\$475.00	0.20	\$95.00	0.20	\$95.00	EMAIL TO PARALEGAL BROWN REGARDING ACCESS TO ATTORNEY FEE SPREADSHEET; REVIEW SAME.
05/09/2024	JUDY SNYDER	\$550.00	0.40	\$220.00	0.40	\$220.00	EMAIL FROM GREG WOOLSEY AND REPLY REGARDING ATTORNEY FEES AND COSTS; EMAIL TO PARALEGAL BROWN REGARDING REVISIONS TO DRAFT ATTORNEY FEE PETITION.
05/13/2024	JUDY SNYDER	\$550.00	2.00	\$1,100.00	2.00	\$1,100.00	REVISE DETAILED TIME RECORD; OFFICE CONFERENCE WITH PARALEGAL BROWN REGARDING ADDITIONAL DATA NEEDED; EMAIL TO CLIENTS.
05/15/2024	HOLLY LLOYD	\$475.00	0.30	\$142.50	0.30	\$142.50	VIDEO CALL WITH PARALEGAL BROWN REGARDING ATTORNEY FEE PETITION.

## EXHIBIT 1

Date	Timekeeper	Hourly Rate	Time Billed	Fee Billed	Fee Time Claimed	Fee Amount Claimed	Description
05/15/2024	PARALEGAL	\$150.00	2.60	\$390.00	2.60	\$390.00	BEGIN DRAFT OF STATEMENT OF ATTORNEY FEES AND COSTS; VIDEO CONFERENCE WITH ATTORNEY HOLLY LLOYD RE SAME. TELEPHONE CONFERENCE WITH ATTORNEY HOPKINS RE SAME.
05/16/2024	JUDY SNYDER	\$550.00	3.00	\$1,650.00	3.00	\$1,650.00	CONTINUE REVISION OF STATEMENT OF ATTORNEYS FEES AND DECLARATION OF JUDY SNYDER
05/17/2024	PARALEGAL	\$150.00	0.30	\$45.00	0.30	\$45.00	DRAFT AND REVISE DECLARATIONS OF ATTORNEY SNYDER AND ATTORNEY HOPKINS REGARDING ATTORNEY FEE PETITION; EMAIL TO ATTORNEYS REGARDING SAME.
05/17/2024	PARALEGAL	\$150.00	6.20	\$930.00	6.20	\$930.00	REVISE AND FINALIZE ATTORNEY FEE STATEMENT AND EXHIBITS 1, 2 AND 3
05/17/2024	JUDY SNYDER	\$550.00	4.20	\$2,310.00	4.20	\$2,310.00	REVISE DECLARATION OF ERIN KABUSREITER-JONES; REVISE DECLARATION OF MELISSA HOPKINS RE ADDITIONAL DATA NEEDED FOR STATEMENT OF ATTORNEY FEES; REVISE AND FINALIZE STATEMENT OF ATTORNEY FEES AND DECLARATION OF JUDY SNYDER.
05/17/2024	MELISSA HOPKINS	\$350.00	3.80	\$1,330.00	3.80	\$1,330.00	REVISE AND FINALIZE DECLARATION; LEGAL RESEARCH; REVISE STATEMENT OF ATTORNEY FEES.
				365082.50	971.30	\$358,585.00	

### Total Fees by Timekeeper

Timekeeper	Fee Time Billed	Fee Time Claimed	Fee Amount Claimed
JUDY SNYDER	188.30	186.60	\$ 100,492.50
HOLLY LLOYD	6.60	5.60	\$ 2,427.50
MELISSA HOPKINS	749.70	744.40	\$ 249,402.50
PARALEGAL	40.90	34.70	\$ 6,262.50
<b>Totals</b>			\$ 358,585.00

## EXHIBIT 2

ORCP 68 COSTS		
FILING FEES		\$503.00
PROCESS SERVICE FEES		\$170.00
WITNESS FEES		\$468.65
COPIES		\$293.50
<b>TOTAL</b>		<b>\$1,435.15</b>

Date	COST		AMOUNT
11/03/2021	FILING FEE FOR COMPLAINT.	\$	281.00
11/18/2021	PROCESS SERVICE ON NEWBERG SCHOOL DISTRICT.	\$	75.00
09/07/2022	WITNESS FEE FOR SUBPOENA ISSUED TO SELECTRON TECHNOLOGIES, INC.	\$	30.00
01/03/2023	WITNESS FEE FOR SUBPOENA ISSUED TO EDUCATION FOUNDATION OREGON RIGHT TO LIFE EDUCATION FOUNDATION.	\$	30.00
01/03/2023	WITNESS FEE FOR SUBPOENA ISSUED TO LISA JEAN MALONEY.	\$	30.00
01/03/2023	WITNESS FOR FOR SUBPOENA ISSUED TO WESTERN LIBERTY NETWORK.	\$	30.00
01/25/2023	WITNESS FEE AND MILEAGE FOR SUBPOENA ISSUED TO OREGON RIGHT TO LIFE EDUCATION FOUNDATION.	\$	30.00
09/19/2023	WITNESS FEE FOR SUBPOENA DUCES TECUM ISSUED TO TYLER SMITH	\$	30.00
09/19/2023	WITNESS FEE FOR SUBPOENA DUCES TECUM ISSUED TO TYLER SMITH & ASSOCIATES, PC	\$	30.00
10/19/2023	FILING FEE FOR RESPONSE TO MSJ FILED BY NEWBERG SD.	\$	111.00
10/30/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO JOSEPH MORELOCK.	\$	51.15
10/30/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO TYLER DOUGLAS SMITH.	\$	46.30
10/30/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO NATHAN RIETMANN.	\$	40.55
11/07/2023	FILING FEE FOR RESPONSE TO MOTION FOR SUMMARY JUDGMENT FILED BY INDIVIDUAL DEFENDANTS.	\$	111.00
11/07/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO JENNIFER NELSON.	\$	38.50
11/07/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO INES PENA.	\$	37.80
11/07/2023	WITNESS FEE AND MILEAGE FOR TRIAL SUBPOENA ISSUED TO REBECCA PIROS.	\$	44.35
11/16/2023	PHOTOCOPIES - 140 X .15	\$	21.00
11/27/2023	COLOR PHOTOCOPIES - 145 x 1.00	\$	145.00
11/27/2023	PHOTOCOPIES - 850 X .15	\$	127.50
11/29/2023	SERVICE OF TRIAL SUBPOENA ON TYLER DOUGLAS SMITH.	\$	95.00

### EXHIBIT 3

LITIGATION EXPENSES	
TRIAL FEES	\$417.00
DEPOSITION COSTS	\$4,852.65
ONLINE LEGAL RESEARCH	\$688.70
LODGING FOR TRIAL	\$2,557.59
ADDITIONAL COPIES	\$329.45
DEMONSTRATIVE EXHIBIT	\$135.00
AUDIO RECORDINGS AND TRANSCRIPTION	\$478.00
<b>TOTAL</b>	<b>\$9,458.39</b>

#### ONLINE RESEARCH:

07/01/2022	\$19.69	ONLINE LEGAL RESEARCH.
07/01/2022	\$162.43	ONLINE LEGAL RESEARCH.
05/31/2023	\$6.34	ONLINE LEGAL RESEARCH.
06/30/2023	\$5.16	ONLINE LEGAL RESEARCH.
08/31/2023	\$103.62	ONLINE LEGAL RESEARCH.
09/30/2023	\$41.38	ONLINE LEGAL RESEARCH.
10/31/2023	\$194.54	ONLINE LEGAL RESEARCH.
11/30/2023	\$155.54	ONLINE LEGAL RESEARCH.
	\$688.70	

#### PHOTOCOPIES:

04/25/2023	\$80.25	PHOTOCOPIES - 535 X .15
04/26/2023	\$25.80	PHOTOCOPIES - 172 X .15
09/05/2023	\$63.90	PHOTOCOPIES - 426 X .15
09/05/2023	\$122.00	COLOR PHOTOCOPIES - 122 x 1.00
11/03/2023	\$37.50	PHOTOCOPIES - 250 X .15

\$329.45

**PHOTOCOPIES USED FOR TRIAL ARE ON EXHIBIT 2**

#### LITIGATION EXPENSES

DATE	AMOUNT	EXPENSE
12/06/2021	\$211.50	AUDIO TRANSCRIPT OF 11/09/21 SCHOOL BOARD MEETING.
12/28/2021	\$114.00	AUDIO TRANSCRIPT OF 08/24/2021 SCHOOL BOARD MEETING.
08/02/2022	\$9.00	CD OF AUDIO RECORDING OF COURT PROCEEDING HELD ON 06/02/2022.
11/15/2022	\$133.50	TRANSCRIBE AUDIO OF COURT HEARING HELD ON 06/02/2022.
05/16/2023	\$773.05	COURT REORTER AND VIDEOGRAPHER APPEARANCE FEE FOR DEPOSITION OF RENEE POWELL.
06/12/2023	\$1,477.00	COURT REPORTER AND VIDEOGRAPHER APPEARANCE FEE FOR DEPOSITION OF BRIAN SHANNON. DEPOSITION TRANSCRIPT OF BRIAN SHANNON.

**LITIGATION EXPENSES CONTINUED**

<b>DATE</b>	<b>AMOUNT</b>	<b>EXPENSE</b>
08/01/2023	\$10.00	AUDIO FILE FROM YAMHILL COUNTY COURT.
09/12/2023	\$2,602.60	COURT REPORTER AND VIDEOGRAPHER APPEARANCE FEE FOR DEPOSITIONS OF DAVID BROWN AND TREVOR DEHART; TRANSCRIPTS OF DAVID BROWN AND TREVOR DEHART.
11/24/2023	\$135.00	DEMONSTRATIVE EXHIBIT FOR TRIAL.
11/28/2024	\$139.00	TRIAL FEE DAY 1.
11/28/2023	\$802.80	ATTORNEY HOPKINS LODGING FOR TRIAL.
11/29/2023	\$139.00	TRIAL FEE DAY 2.
11/30/2023	\$139.00	TRIAL FEE DAY 3.
11/30/2024	\$1,754.79	ATTORNEY SNYDER LODGING FOR TRIAL.

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

OCT 19 2021

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

OREGON ADVOCACY CENTER;  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC.,

Plaintiffs-Appellants,

and

A. J. MADISON,

Plaintiff,

v.

PATRICK ALLEN, Director of the  
Department of Human Services, in his  
official capacity; DOLORES MATTEUCCI,  
Superintendent of Oregon State Hospital, in  
her official capacity,

Defendants-Appellees.

No. 20-35540

D.C. No. 3:02-cv-00339-MO  
District of Oregon,  
Portland

ORDER

Before: W. FLETCHER and FRIEDLAND, Circuit Judges, and BLOCK,\* District Judge.

Appellants' motion for attorneys' fees (Dkt. 49) is GRANTED IN PART.

Appellants are awarded attorneys' fees in the amount equal to the lodestar calculated in their motion (\$53,005) less the amount billed for settlement talks

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\* The Honorable Frederic Block, United States District Judge for the Eastern District of New York, sitting by designation.

before the district court following release from this court's Mediation Program on June 7, 2021 (\$9,460), for a total award of \$43,545.

**GRANTED IN PART.**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

MAR 15 2022

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

PEGGY FORAKER,

Plaintiff-Appellant,

v.

USAA CASUALTY INSURANCE  
COMPANY, a Texas corporation,

Defendant-Appellee.

No. 20-35596

D.C. No. 3:14-cv-00087-SI  
District of Oregon,  
Portland

ORDER

Before: Lisa B. Fitzgerald, Appellate Commissioner.

## I. Introduction

Under Oregon Revised Statutes § 742.061(1), Peggy Foraker requests

\$214,277.83 in fees for 337.95 hours of work:

Firm and Name	Position	Rate	Hours	Lodestar	Fees with 1.5 Multiplier
<i>Hendricks Law Firm PC</i>					
Stephen Hendricks	Attorney	\$623	87.10	\$ 54,263.30	\$ 81,394.95
Heather Brann	Attorney	\$459	118.00	\$ 54,162.00	\$ 81,243.00
Cary Breshears-Bean	Paralegal	\$175	45.75	\$ 8,006.25	\$ 12,009.38
Subtotals			250.85	\$116,431.55	\$174,647.33
<i>Larkins Vacura Kayser LLP</i>					
Cody Hoesly	Attorney	\$455	87.10	\$ 39,630.50	No multiplier
Totals			337.95	\$156,062.05	\$214,277.83

Foraker's \$9,388.90 in concessions in reply to USAA Casualty Insurance Company's opposition to her fee motion are reflected.

## II. Discussion

USAA contests the fees and multiplier for Hendricks, Brann, and Breshears-Bean, but not fees for Hoesly, arguing that the court should award no more than \$126,639.70 in fees. Hendricks and Brann represented Foraker on a contingency basis, participated in mediation, and prepared a notice of appeal, a mediation questionnaire, an extension request, an opening brief, excerpts of record, a reply brief, and further excerpts of record. Hoesly substituted for Hendricks and Brann on a non-contingency basis after briefing, prepared a citation of supplemental authorities, a fee motion, and a fee reply, and presented oral argument by video.

### A. Reasonably Expended Hours

#### 1. Block Billing

USAA's argument that "at least" 9.6 hours for Hendricks and 30.25 hours for Breshears-Bean should be reduced for block billing is not well-founded. *See, e.g., Welch v. Metro. Life Ins. Co.*, 480 F.3d 942, 948 (9th Cir. 2007) (court may reduce hours when block billing "makes it more difficult to determine how much time was spent on particular activities"). Most entries here divide single tasks into detailed subparts; the rare entries that lump together multiple tasks are no longer than three hours. *See id.* (block billing lumps together multiple tasks).

## 2. Clerical Work

USAA identifies 3.25 hours (\$568.75 in fees) for Breshears-Bean as both block billed and “clerical . . . tasks [that] should not be billed at a paralegal rate.” *Missouri v. Jenkins*, 491 U.S. 274, 288 n.10 (1989). The tasks at issue – downloading documents, calendaring deadlines, registering for CM/ECF, and preparing excerpts of record – are clerical. The hours, which were not included in Foraker’s concession, are therefore disallowed.

Although USAA identifies as clerical 3.4 hours for Hendricks, 12.9 hours for Brann, and 12.5 hours for Breshears-Bean, USAA objects to and Foraker concedes only 3.1 hours for Hendricks, 12.9 hours for Brann, and 7 hours for Breshears-Bean. Because all of the time identified involved clerical or overhead work,<sup>1</sup> an additional 0.3 hours (\$186.90 in fees) for Hendricks and 5.5 hours (\$962.50 in fees) for Breshears-Bean are disallowed.

## 3. Unnecessary Work

USAA argues persuasively that Brann’s consultations with outside counsel were unnecessary given her experience, but does not specify the 2.4 hours at issue. Brann’s time entries show only 0.8 hours on October 21 and 30, 2020 (\$367.20 in

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<sup>1</sup> Hendricks’s 0.3 hour on August 28, 2020 for Brann’s Ninth Circuit admission is not billable to Foraker. *See Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983) (“Hours that are not properly billed to one’s *client* also are not properly billed to one’s *adversary*.”).

fees), for consulting with outside counsel about the excerpts of record, and this time is disallowed. *Id.*

USAA's objection to 4.1 hours for Hendricks's and Brann's fruitless search for amicus support is not well-taken. *See Pennsylvania v. Del. Valley Citizens' Council for Clean Air*, 478 U.S. 546, 561 (1986) (time may be awarded if work is useful and of a type ordinarily necessary to secure the final result obtained).

#### 4. Post-March 1, 2021 Work

USAA objects to 3.2 hours of merits work by Hendricks from April 30, 2021, through June 9, 2021, and to 3.1 hours of merits work by Brann from March 28, 2021, through June 9, 2021, arguing that Foraker had terminated their representation by March 1, 2021.<sup>2</sup> Because Hoesly did not file his notice of appearance until May 6, 2021, Hendricks and Brann reasonably performed merits work through that date. Hendricks and Brann also reasonably billed post-May 6 merits work for communicating with Hoesly about the June 8 oral argument.

#### 5. Hours Summary

The remaining 328.1 hours were reasonably expended, and they are awarded.

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<sup>2</sup> Foraker's concession of 0.5 hours for Hendricks's observation of oral argument on June 8, 2021 is reflected. USAA acknowledges that Hendricks's and Brann's post-March 1 fee work was reasonable. USAA's request for judicial notice of three state court pleadings and a district court transcript is granted.

## B. Reasonable Hourly Rates

USAA argues that district court Phase II hourly rates of \$559 for Hendricks and \$411 for Brann should be awarded for the appeal. But the district court work was performed from 2016 to April 2020, and the rates were based on a 2018 Portland survey. *See Foraker v. USAA Cas. Ins. Co.*, No. 3:14-cv-87-SI, 2020 WL 3129022, at \*4, \*6 (D. Or. June 12, 2020); Pl.'s Pet. For Phase II Att'y Fees, Docket Entry No. 12-2, at 112-13, 123.

Here, Foraker requests rates of \$623 for Hendricks and \$459 for Brann for July 2020 to 2021 work. USAA does not dispute that these rates are in line with a 2020 Portland survey. Moreover, the appellate rate increases are in proportion to the district court rate increases for Phase II. *See Foraker v. USAA Cas. Ins. Co.*, No. 3:14-cv-87-SI, 2018 WL 3873575, at \*9 (D. Or. Aug. 15, 2018) (awarding rates of \$500 for Hendricks and \$350 for Brann for 2014 to 2016 Phase I work).

USAA does not object to the requested rates of \$455 for Hoesly and \$175 for Breshears-Bean. The 2020 Portland survey also supports Hoesly's rate, and the district court awarded the same rate for Breshears-Bean for Phase II. *See Foraker*, 2020 WL 3129022, at \*6; Pl.'s Pet. For Phase II Att'y Fees, Docket Entry No. 12-2, at 112. All of the requested rates are reasonable, and they are awarded.

### C. Multiplier

Foraker requests that a multiplier of 1.5 be applied to the lodestar for Hendricks, Brann, and Breshears-Bean, but not for Hoesly. USAA objects that there is no support for applying a multiplier on appeal. USAA's objection disregards Hendricks's and Brann's contingency representation on appeal and other factors favoring a multiplier.

This court held that the district court abused its discretion in refusing to award a 1.5 multiplier on the Phase II attorney fee award, and reversed and remanded for application of the multiplier. *See Foraker v. USAA Cas. Ins. Co.*, No. 20-35596, 2021 WL 3039418, at \*3 (9th Cir. July 19, 2021). The court stated that “[b]ecause the district court found that a 1.5 multiplier was appropriate as to the Phase I fee award under Oregon law, *see* Or. Rev. Stat. § 20.075(1)-(2), it was illogical to conclude that many of those same factors, including the conduct leading up to litigation and whether the case was taken on a contingency-fee basis, were suddenly neutral in Phase II or adequately addressed in Phase I.” *Id.* (citation and internal quotation marks omitted).

There is no apparent distinction between the Phase I and II fees already awarded and the appellate fees requested here that supports treating them differently for purposes of applying a multiplier. A multiplier of 1.5 is awarded.

#### D. Fees Summary

The \$114,346.20 lodestar for Hendricks, Brann, and Breshears-Bean multiplied by 1.5 equals \$171,519.30 in fees. Adding the \$39,630.50 lodestar for Hoesly equals \$211,149.80 in fees.

#### III. Conclusion

Pursuant to Oregon Revised Statutes §742.061(1), attorneys' fees in the amount of \$211,149.80 are awarded in favor of Peggy Foraker and against USAA Casualty Insurance Company. *See* 9th Cir. R. 39-1.9. This order amends the court's mandate.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**WB MUSIC CORP., SEVEN PEAKS  
MUSIC, THAT WAS ZZ MUSIC, MUSIC  
FROM THE BOARD WALK, UNIVERSAL  
MUSIC CORPORATION, DIRTY DRE  
MUSIC, LIL VIDAL MUSIC, TOILET  
BRAIN MUSIC, NAUGHTY MUSIC,  
NEUTRAL GRAY MUSIC, PURE LOVE  
MUSIC, UH OH ENTERTAINMENT,  
INC., and WUT' SHAWAN-A DO MUSIC,  
INC.,**

Plaintiffs,

v.

**DONALD HARVEY,**

Defendant.

Case No. 3:20-cv-00343-AC

**OPINION AND ORDER**

Cassandra Mercer & Vicki L. Smith, Lane Powell PC, 601 SW Second Avenue, Suite 2100, Portland, Oregon 97204. Attorneys for Plaintiffs.

**IMMERGUT, District Judge.**

On March 3, 2020, Plaintiffs filed this action alleging copyright infringement based on public performances of Plaintiffs' copyrighted musical compositions at Defendant Donald Harvey's place of business, Dr. Feelgood's Pub in Aloha, Oregon. ECF 1 at ¶¶ 3–4. The Clerk entered Defendant's default under Federal Rule of Civil Procedure 55(a) on August 6, 2020. ECF

PAGE 1 – OPINION AND ORDER

15. Plaintiffs now move for default judgment under Rule 55(b). ECF 17. Plaintiffs seek injunctive relief pursuant to 17 U.S.C. § 502; statutory damages pursuant to 17 U.S.C. § 504(c); and attorneys' fees and costs pursuant to 17 U.S.C. § 505. No response has been filed.

For the following reasons, Plaintiffs' Motion is GRANTED subject to the modification discussed below.

### **BACKGROUND**

Defendant Donald Harvey is the owner and manager of Dr. Feelgood's Pub, located at 20419 Southwest Tualatin Valley Highway, Aloha, Oregon 97003. ECF 1 at ¶ 6. Defendant had and still has "the right and ability to supervise and control the activities that take place at Dr. Feelgood's Pub, including the right and ability to supervise and control the public performance of musical compositions at the establishment." *Id.* at ¶ 8.

Plaintiffs are members of the American Society of Composers, Authors, and Publishers ("ASCAP"), "a membership association that represents, licenses, and protects the public performance rights of its more than 735,000 songwriter, composer, and music publisher members." *Id.* at ¶ 10. Each ASCAP member, including Plaintiffs, grants to ASCAP a non-exclusive right to license the performance rights in that member's copyrighted musical compositions. *Id.* at ¶ 11. "ASCAP licenses public performances of its members' musical works, collects license fees associated with those performances, and distributes royalties to its members, less ASCAP's operating expenses." *Id.*

Since at least October 2012, ASCAP has communicated to Defendant the risks of performing ASCAP's members' music without authorization and offered license agreements so that Defendant may lawfully perform the music. ECF 18 at ¶¶ 5, 12; *see also* ECF 18-12 (telephone contact with Defendant on January 5, 2015); ECF 18-13 (telephone contact with Defendant on March 27, 2015); ECF 18-14 (telephone contact with Defendant on February 4,

2019). This Court notes, however, that neither the Complaint nor the instant Motion allege any specific instances of infringement before August 2019. At a telephonic hearing held on December 4, 2020, Plaintiff’s counsel stated that it is generally assumed, given the large repertoire of ASCAP music, that establishments which play music are infringing ASCAP members’ copyrights.

On two separate occasions in August 2019, ASCAP engaged independent investigators to visit Dr. Feelgood’s Pub and make “contemporaneous lists of all songs performed that [they] could readily identify.” ECF 18 at ¶¶ 14–15. On the evening of August 9, 2019, and into the early hours of August 10, 2019, Investigator Jeff Clark identified two songs in which ASCAP members own the copyrights. *Id.* at ¶¶ 16, 19; ECF 18-15 (Clark August 9–10 Investigator’s Report). On the evening of August 31, 2019, and into the early hours of September 1, 2019, Investigator Denis Sichner identified three songs in which ASCAP members own the copyrights. ECF 18 at ¶¶ 18, 19. Plaintiffs in this action became such plaintiffs “by reason of the choice of songs performed at Dr. Feelgood’s Pub on the evenings of the investigations and are, for all intents and purposes, representatives of all of ASCAP’s members.” *Id.* at ¶ 19.

At the time of these performances, Defendant had not obtained a license from ASCAP or from any of the Plaintiffs. *Id.* at ¶ 20. As such, these performances were unauthorized and infringed Plaintiffs’ copyrights. *Id.* at ¶ 21; *see also id.* at ¶¶ 24–28 (establishing ownership of the copyrights at issue).

Plaintiffs filed their Complaint on March 3, 2020. ECF 1. Plaintiffs effected “office service” pursuant to Oregon Rule of Civil Procedure 7D(2)(c) by delivering the required documents to the person apparently in charge at Defendant’s Pub on March 5, 2020, and mailing the documents via First Class Mail, postage pre-paid, to Defendant’s Pub on March 6, 2020. ECF

7 (affidavit of service); *see also* Fed. R. Civ. P. 4(e)(1) (an individual may be served in a judicial district of the United States “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made”). Plaintiffs then took no action in this case for nearly four months.

On July 1, 2020, Magistrate Judge John V. Acosta ordered Plaintiffs to show cause “why this case should not be dismissed for lack of prosecution” pursuant to Local Rule 41.2. ECF 8. Plaintiffs responded on July 21, 2020, citing the COVID-19 pandemic and its effect on Oregon’s restaurant and bar industry. ECF 9 at 3. Plaintiffs “took a more restrained approach than they ordinarily might in the event of a defendant’s default,” making “extra efforts” to contact Defendant. *Id.* at 3–4. Defendant did not respond to these communications. *Id.* at 4. Judge Acosta was satisfied by Plaintiffs’ showing and set aside the order to show cause. ECF 11. Thereafter, Plaintiffs moved for entry of default, ECF 12, which Judge Acosta granted, ECF 14. *See also* ECF 15 (Clerk’s entry of default). Plaintiffs’ Motion for Default Judgment is now before this Court. ECF 17.

ASCAP asserts that “Defendant has ‘saved’ or ‘avoided’ approximately \$14,248.00 in ASCAP license fees that should have been paid to ASCAP for the period from October 2012 through present had the establishment Dr. Feelgood’s Pub been properly licensed during that time.” ECF 18 at ¶ 29. ASCAP also asserts that its investigatory costs totaled \$1,754.94. *Id.* at ¶ 30.

### LEGAL STANDARDS

Following the Clerk’s entry of default under Federal Rule of Civil Procedure 55(a), the general rule is that “the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true.” *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917–18 (9th Cir. 1987) (quoting *Geddes v. United Fin. Grp.*, 559 F.2d 557, 560 (9th Cir. 1977)). The court,

however, does not accept as admitted legal conclusions or facts that are not well-pleaded. *DIRECTV, Inc. v. Hoa Huynh*, 503 F.3d 847, 854 (9th Cir. 2007). “[N]ecessary facts not contained in the pleadings, and claims which are legally insufficient, are not established by default.” *Cripps v. Life Ins. Co. of N. Am.*, 980 F.2d 1261, 1267 (9th Cir. 1992) (citing *Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir. 1978)).

After the clerk has entered a defendant’s default, the court may enter a default judgment against that party. *See* Fed. R. Civ. P. 55(b)(2). The court’s decision whether to enter a default judgment is discretionary. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980). The Ninth Circuit has identified seven factors to guide a district court’s consideration of whether to enter a default judgment:

(1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff’s substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at stake in the action[,] (5) the possibility of a dispute concerning material facts[,] (6) whether the default was due to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

*Eitel v. McCool*, 782 F.2d 1470, 1471–72 (9th Cir. 1986). The “starting point,” however, “is the general rule that default judgments are ordinarily disfavored.” *Id.* at 1472.

## DISCUSSION

As a preliminary matter, the Court is satisfied that it has personal jurisdiction over Defendant based on the facts in this record. A district court “has an affirmative duty” to determine whether it has personal jurisdiction over the defendant before entering a default judgment. *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999). The court “may dismiss an action *sua sponte*” where personal jurisdiction does not exist. *Id.* However, it must first give the plaintiff moving for a default judgment the opportunity to show facts supporting the exercise of personal jurisdiction. *Id.* at 712–13.

Plaintiffs have alleged sufficient facts to support the exercise of general personal jurisdiction in this case. Since at least October 2012, Defendant “has owned, controlled, managed, operated, and maintained” the Pub in question, ECF 18 at ¶ 9, which is located about twelve miles from this courthouse in Aloha, Oregon. Defendant’s contacts are “the sort that approximate physical presence.” *Bancroft & Masters, Inc. v. Augusta Nat. Inc.*, 223 F.3d 1082, 1086 (9th Cir. 2000), *overruled in part on other grounds by Yahoo! Inc. v. La Ligue Contre Le Racisme Et L’Antisemitisme*, 433 F.3d 1199 (9th Cir. 2006) (en banc).

### **A. Procedural Requirements**

Plaintiffs have satisfied the requirements of Local Rule 55 and Federal Rule of Civil Procedure 55. Plaintiffs requested, ECF 12, and received, ECF 15, the Clerk’s entry of default. Defendant is not a minor nor incompetent. Defendant has not appeared personally or by a representative, so he is not entitled to written notice of the application. Fed. R. Civ. P. 55(b); *see also Stephen Wurth Photography, Inc. v. Wetpaint.com, Inc.*, No. SA CV 16-2101-DOC, 2018 WL 5266861, at \*2 (C.D. Cal. Oct. 5, 2018) (determining plaintiffs’ “procedural compliance”).

Finding procedural compliance, the Court now turns to Plaintiffs’ Motion for Default. On December 4, 2020, this Court held a telephonic status conference with Plaintiffs’ counsel regarding the Instant motion.

### **B. Eitel Factors**

All *Eitel* factors weigh in favor of default judgment as to all claims.

#### **1. Factor 1: Prejudice to Plaintiff**

The first *Eitel* factor “considers whether the plaintiff will suffer prejudice if default judgment is not entered.” *PepsiCo, Inc. v. Cal. Sec. Cans*, 238 F. Supp. 2d 1172, 1177 (C.D. Cal. 2002). Plaintiffs contend that without entry of default judgment, they “would be denied the

opportunity to recover damages for the identified past acts of infringement” and, given that Dr. Feelgood’s Pub is still open and operating, they would have no available means of preventing Defendant “from infringing their rights in the future.” ECF 17 at 10. Plaintiffs also note “Defendant’s repeated refusals to obtain an ASCAP License.” *Id.*; *see also Vogel v. Rite Aid Corp.*, 992 F. Supp. 2d 998, 1007 (C.D. Cal. 2014) (noting defendant’s “unwillingness to cooperate and defend” and finding this factor weighed in favor of default judgment).

Given Defendant’s lack of cooperation in this suit, repeated refusals to obtain a license, the potential lack of remedy for identified acts of infringement, and the risk of future infringement, Plaintiffs would suffer prejudice if default judgment is not entered. This factor thus weighs in favor of default judgment.

## **2. Factors 2 & 3: The Merits of Plaintiffs’ Substantive Claim and the Sufficiency of the Complaint**

The second and third *Eitel* factors “require that a plaintiff state a claim on which [it] may recover.” *PepsiCo*, 238 F.Supp.2d at 1175; *see also Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D. Wash. 2014) (“The second and third *Eitel* factors . . . are often analyzed together.”).

“There are only two elements necessary for a copyright owner to make out a prima facie case of copyright infringement: (1) ownership of the copyright by the plaintiff; and (2) copying by the defendant.” *Lamb v. Starks*, 949 F. Supp. 753, 756 (N.D. Cal. 1996) (citing *Hustler Mag., Inc. v. Moral Majority, Inc.*, 796 F.2d 1148, 1151 (9th Cir. 1986)) (emphasis omitted).

In their Complaint, Plaintiffs sufficiently allege and show ownership of the copyrights in the five infringed works and Defendant’s infringement.<sup>1</sup> *See* ECF 1 at ¶¶ 16–20; ECF 1 at 6–7

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<sup>1</sup> Plaintiffs, the owners of the copyrights at issue, have standing to bring this action, while ASCAP, the owner of a *non-exclusive* license, does not. *See Granite Music Corp. v. Ctr. St.*

(chart of copyright registration and infringement). In support of this Motion, Plaintiffs provide further evidence of ownership. *See* ECF 18-17 (certificate of registration as of May 22, 2015, for “Worth It,” naming WB Music as a copyright claimant); ECF 18-18 (certificate of registration as of December 28, 2012, for “365 Days,” naming Seven Peaks Music, That Was ZZ Music, and Music From The Board Walk as copyright claimants); ECF 18-19 (certificate of registration as of May 8, 2006, for “Yo (Excuse Me Miss),” naming Universal Music Corp., Dirty Dre Music, and Lil Vidal Music among copyright claimants); ECF 18-20 (certificate of registration as of September 25, 1998, for “Zoot Suit Riot,” naming Toilet Brain Music as a copyright claimant); ECF 18-21 (certificate of registration as of September 22, 1998, for “Too Close,” naming Uh Oh Entertainment, Wut’ Shawan-A Do Music, Neutral Grey Music, Pure Love Music, and Naughty Music among copyright claimants). Plaintiffs also provided further evidence of infringement. *See* ECF 18-15 at 8, 9 (investigator’s report of August 9, 2019, identifying “Too Close” by Next and “Worth It” by Fifth Harmony); ECF 18-16 at 5, 7 (investigator’s report of August 31, 2019, identifying “365 Days” by ZZ Ward, “Zoot Suit Riot” by Cherry Poppin Daddy’s, and “Yo Excuse Me Miss” [sic] by Chris Brown). Therefore, Plaintiffs have sufficiently pled copyright infringement as to the five identified works and their substantive claim is meritorious. The second and third *Eitel* favors therefore weigh in favor of default judgment.

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*Smoke House, Inc.*, 786 F. Supp. 2d 716, 724 (W.D.N.Y. 2011) (finding that named plaintiffs have standing but ASCAP does not and allowing the suit to proceed); *Eden Toys, Inc. v. Florelee Undergarment Co.*, 697 F.2d 27, 32 n.3 (2d Cir. 1982) (citing 17 U.S.C. § 501(b)) (explaining that “the Copyright Law is quite specific in stating that only the ‘owner of an exclusive right under a copyright’ may bring suit), *superseded on other grounds by rule as stated in Fed. Treasury Enter. Sojuzplodoimport v. SPI Spirits Ltd.*, 726 F.3d 62, 84 (2d Cir. 2013); *Righthaven LLC v. Hoehn*, 716 F.3d 1166, 1170 (9th Cir. 2013) (explaining that the owner of an “exclusive license of particular rights” may bring an infringement action but others, such as the licensor or a non-exclusive licensee, may not).

### 3. Factor 4: The Sum of Money at Stake in the Action

Plaintiffs seek an award of statutory damages and an award of their attorney's costs and fees, as well as permanent injunctive relief. "Default judgment is disfavored where the sum of money at stake is too large or unreasonable in relation to defendant's conduct." *Vogel v. Rite Aid Corp.*, 992 F. Supp. 2d 998, 1012 (C.D. Cal. 2014). Here, the monetary award, "plus any amount that would have to be spent to comply with an injunction, would be the entirety of [Defendant's] liability should the court grant default judgment." *Id.* Due to the discretionary nature of a court's statutory damages award under the Copyright Act, this factor may still weigh in favor of default judgment even when a plaintiff seeks an "excessive" amount because "the Court may grant a lesser award that will weigh in favor of granting default judgment." *Stephen Wurth Photography*, 2018 WL 5266861, at \*4.

This Court finds that the injunction sought is reasonable and necessary given Defendant's actions and failure to appear and defend. *See Vogel*, 992 F. Supp. 2d at 1012. However, Plaintiffs also seek statutory damages based on roughly eight years of "avoided" licensing fees without evidence of violations before August 2019, which this Court finds excessive. Nevertheless, because this Court exercises its discretion to reduce the statutory damages award to a reasonable amount, this Court finds that this factor weighs in favor of default judgment.

### 4. Factor 5: The Possibility of a Dispute Concerning Material Facts

The fifth *Eitel* factor considers whether a dispute of material facts is likely. "Where the [p]laintiff's complaint is well-pleaded and the defendant makes no effort to properly respond, the likelihood of disputed facts is very low." *3M Co. v. Phx. Auto. Refinishing Co.*, CV 17-00649-RSWL-DTB, 2018 WL 1989536, at \*5 (C.D. Cal. Apr. 25, 2018) (quoting *Warner Bros. Home Ent., Inc. v. Slaughter*, No. CV 13-0892-DOC RNB(x), 2013 WL 5890682, at \*8 (C.D. Cal.

Oct. 30, 2013)). As explained above, Plaintiffs' complaint is well-pleaded. Defendant has made no effort to respond. *See* ECF 17 at 1–2. This factor weighs in favor of default judgment.

**5. Factor 6: Whether the Default Was Due to Excusable Neglect**

This factor considers whether the defendant's default was due to excusable neglect. Because Defendant was properly served by office service under Oregon law in early March 2020, ECF 7, this factor favors default judgment. *See Nat'l Photo Grp., LLC v. Pier Corp.*, Case No. SACV 13–1165–DOC, 2014 WL 12576641, at \*6 (C.D. Cal. Mar. 10, 2014); *3M Co.*, 2018 WL 1989536, at \*5.

**6. Factor 7: The Strong Policy Preference for Decisions on the Merits**

The seventh *Eitel* factor considers the strong policy preference in favor of decisions on the merits. However, “[w]here the [d]efendant’s failure to appear makes decision on the merits impossible, default judgment is appropriate.” *Warner Bros.*, 2013 WL 5890682, at \*4 (citing *Craigslist, Inc. v. Naturemarket, Inc.*, 694 F. Supp. 2d 1039, 1061 (N.D. Cal. 2010)); *see also 3M Co.*, 2018 WL 1989536, at \*5. Here, Defendant has failed to appear. ECF 17 at 1–2. Thus, a decision on the merits is impossible, and this factor weighs in favor of default judgment.

**C. Remedies**

Federal Rule of Civil Procedure 54(c) limits relief in default judgment to what is demanded in the pleadings. Fed. R. Civ. P. 54(c). In the instant Motion, Plaintiffs seek permanent injunctive relief; \$8,000.00 per infringement for a total award of \$40,000.00; and an award of costs and fees totaling \$22,592.53. ECF 17 at 14–15. In the Complaint, Plaintiffs seek permanent injunctive relief; damages as the Court considers just pursuant to 17 U.S.C. § 504(c)(1), which is not more than \$30,000.00 nor less than \$750 per infringement; and costs including a reasonable attorney’s fee. ECF 1 at 5. The remedies requested in the Motion “are not

different from and do not exceed the relief prayed for in the Complaint.” *Philip Morris USA Inc. v. Banh*, No. CV 03-4043 GAF, 2005 WL 5758392, at \*6 (C.D. Cal. Jan. 14, 2005).

Accordingly, the Court considers each requested form of relief in turn.

### **1. Injunctive Relief**

Plaintiffs request “permanent injunctive relief prohibiting Defendant from performing publicly, or from causing or permitting the public performance of, any composition owned and/or controlled by ASCAP’s members at Dr. Feelgood’s Pub, or any other place owned, controlled, managed, or operated by Defendant.” ECF 17 at 15. The Copyright Act provides for the remedy of injunctive relief in cases of infringement. 17 U.S.C. § 502.

Notably, while Plaintiffs claim that Defendant infringed the copyrights held in five works, they seek an injunction prohibiting the unauthorized performance of any ASCAP-licensed music. ECF 1 at 5. They state that “plaintiffs in this type of action are, in essence, representative of all of ASCAP’s members” and cite a number of cases in which courts, deciding cases involving only a few specific instances of infringement, enjoin public performance of all ASCAP-licensed music. ECF 17 at 13. *See, e.g., Bertram Music Co. v. Yeager Holdings of Cal., Inc.*, Civ. No. S-07-1766 LEW GGH, 2008 WL 2055480, at \*2 (E.D. Cal. May 6, 2008) (enjoining Defendant from performing any of the songs in the ASCAP repertory without prior authorization); *Controversy Music v. Shiferaw*, No. C03–5254 MJJ, 2003 WL 22048519, at \*2 (N.D. Cal. July 7, 2003) (same); *see also Odnil Music Ltd. v. Katharsis LLC*, No. CIV S-05-0545 WBSJFM, 2006 WL 2545869, at \*7, \*9 (E.D. Cal. July 21, 2006) (noting that, in similar cases, “courts now routinely enjoin defendants from performing any and all music in the ASCAP repertory” and enjoining Defendant from performing all musical compositions in ASCAP’s repertory).

The Court finds this reasoning persuasive and accordingly orders that Defendant is permanently enjoined from performing publicly, or from causing or permitting the public performance of, any composition owned and/or controlled by ASCAP's members at Dr. Feelgood's Pub, or any other place owned, controlled, managed, or operated by Defendant, without a license to do so.

## 2. Statutory Damages

Plaintiffs request an award of "\$8,000.00 per infringement for a total award of \$40,000.00." ECF 17 at 14. They state that this "represent[s] an amount that is just less than three times the amount of licensing fees that Defendant would have been required to pay had [he] obtained an ASCAP license and properly paid the license fees" beginning in October 2012, when ASCAP first contacted Defendant. *Id.* at 13–14. Plaintiffs submitted the affidavit of R. Douglas Jones, an ASCAP Manager, Business and Legal Affairs. ECF 18. Mr. Jones states that "Defendant has 'saved' or 'avoided' approximately \$14,248.00 in ASCAP license fees that should have been paid to ASCAP for the period from October 2012 through present." Plaintiffs also assert that Defendant's infringement was willful. ECF 1 at ¶ 3; ECF 17 at 3. Plaintiffs state that since at least October 2012, ASCAP representatives have attempted to contact Defendant "to offer Defendant the opportunity to obtain an ASCAP license for Dr. Feelgood's." ECF 17 at 5; *see also* ECF 18 at ¶¶ 8–13. "These contacts were by phone and letter, and often included a sample licensing agreement and informational material, all of which were designed to inform defendant of the need to secure a license with ASCAP in order to perform their works lawfully." *Controversy Music*, 2003 WL 22048519, at \*2; *see* ECF 18-1 through 18-14. Mr. Jones also states that ASCAP incurred \$1,754.94 in out-of-pocket investigative costs to support this action. ECF 18 at ¶ 30; ECF 17 at 7.

“Under the 1976 Copyright Act, the plaintiff may elect to recover either actual or statutory damages.” *Peer Int’l Corp. v. Pausa Records, Inc.*, 909 F.2d 1332, 1336 (9th Cir. 1990). If the plaintiff elects statutory damages, the “court has wide discretion” in determining the amount. *Id.* (internal quotation marks and citations omitted). 17 U.S.C. § 504(c) provides for “statutory damages for all infringements involved in the action, with respect to any one work, . . . in a sum of not less than \$750 or more than \$30,000 as the court considers just.” 17 U.S.C. § 504(c)(1). If the court finds that the infringement was willful, it may in its discretion increase the award to a sum of not more than \$150,000. *Id.* at § 504(c)(2). When measuring statutory damages, the court is guided by “what is just in the particular case, considering the nature of the copyright, the circumstances of the infringement and the like, . . . but with the express qualification that in every case the assessment must be within the prescribed [maximum or minimum].” *Peer Int’l Corp.*, 909 F.2d at 1336 (quoting *F.W. Woolworth Co. v. Contemporary Arts, Inc.*, 344 U.S. 228, 232 (1952)). Under Rule 8(a)(3), Plaintiffs’ damages must be specific, and Plaintiffs “must ‘prove up’ the amount of damages that [they] claim[.]” *Philip Morris USA Inc. v. Banh*, 2005 WL 5758392, at \*6; *see also Vogel*, 992 F. Supp. 2d at 1013–14.

Plaintiffs point to various opinions showing that, in ASCAP cases, “courts routinely compute statutory damages . . . between two to six times the license fees defendants ‘saved’ by not obeying the Copyright Act.” *EMI Mills Music, Inc. v. Empress Hotel, Inc.*, 470 F. Supp. 2d 67, 75 (D.P.R. 2006). Plaintiffs state that their requested sum “falls within the well-established range of damages awarded in ASCAP matters.” ECF 17 at 14; *see also Granite Music*, 786 F. Supp. 2d at 731–33 (awarding statutory damages totaling \$30,000.00 where Defendant would have paid \$10,877.00 had they been licensed during the relevant time period); *EMI Mills Music, Inc.*, 470 F. Supp. 2d at 75–76 (awarding statutory damages of \$60,000.00 where licensing fees

would have been \$18,000.00); *Odnil Music Ltd*, 2006 WL 2545869, at \*9 (awarding statutory damages totaling \$12,000.00 where Defendant would have paid \$3,401.71 had they been licensed during the relevant time period).

Here, Defendant “repeatedly rejected and ignored ASCAP’s offerings.” *EMI Mills Music, Inc.*, 470 F. Supp. 2d at 75–76. Plaintiffs allege, in conclusory fashion, that throughout the past eight years, “Defendant has continued to present public performances of the copyrighted musical compositions of ASCAP members.” ECF 1 at ¶ 15; *see also* ECF 17 at 5 (“Defendant continued to perform publicly ASCAP members’ music . . .”). However, Plaintiffs allege no specific acts of earlier infringement, and the proffered “evidence of infringement” consists solely of investigative reports concerning August 2019. *See* ECF 17 at 6; ECF 18 at ¶ 14. This Court agrees with the other opinions Plaintiffs cite in finding that the alleged August 2019 infringing acts were willful, because Defendant was clearly “on notice” that those infringing performances of ASCAP music constituted copyright infringement. ECF 17 at 5; *see also Granite Music Corp.*, 786 F. Supp. 2d at 736–37 (finding willful infringement by defendant in ASCAP litigation on a motion for default judgment). However, this Court does not agree with those opinions to the extent they base their damages calculations on defendants’ conduct (*i.e.*, rejecting ASCAP licensing overtures) during prior years during which no specific acts of infringement are alleged.

Accordingly, this Court’s calculation of damages will only reflect the acts of infringement alleged and evinced in the record. The five alleged acts of infringement occurred in August 2019. Plaintiffs’ evidence shows that the relevant licensing period was between October 15, 2018, and October 14, 2019. ECF 18-10 at 16. The license fee stated for that period was \$2,159.85. *Id.* Because there are five alleged acts of infringement during August 2019, this Court will exercise its discretion to multiply this number by five. Because this Court determines that

the infringing acts were willful, and in the interest of deterrence, this Court will further multiply this amount by two. The statutory damages amount is therefore \$21,598.50; the Court will round up to \$21,600.00. Accordingly, the statutory damages award for each of the five alleged acts of infringement is \$4,320.00.

#### **D. Attorney's Fees and Costs**

Plaintiffs request an award of costs and fees totaling \$22,592.53. ECF 17 at 14. The Copyright Act provides that the court may award full costs by or against any party and may award a reasonable attorney's fee to the prevailing party. 17 U.S.C. § 505. "The most important factor in determining whether to award fees under the Copyright Act, is whether an award will further the purposes of the Act." *SOFA Ent., Inc. v. Dodger Prods., Inc.*, 709 F.3d 1273, 1280 (9th Cir. 2013) (quoting *Mattel, Inc v. MGA Ent., Inc.*, 705 F.3d 1108, 1111 (9th Cir. 2013)).

With respect to costs, Plaintiffs incurred \$578.53 due to the filing fee and process service. ECF 19-5 at 5. The Court finds the costs reasonable and awards \$578.53 to Plaintiffs. *See Nat'l Photo Grp.*, 2014 WL 12576641, at \*5 (awarding \$465, representing the total for filing fees and service of process, in default judgment copyright infringement action); *3M Co.*, 2018 WL 1989536, at \*7 (awarding "\$10,515.39 in costs, including filing and service fees and translation costs for service under the Hague Convention").

With respect to attorney's fees, in *Fogerty v. Fantasy, Inc.*, 510 U.S. 517 (1994), the Supreme Court provided a nonexclusive list of factors to guide a court's discretionary decision concerning the award of attorney's fees to a prevailing party in a copyright action: "frivolousness, motivation, objective unreasonableness (both in the factual and legal components of the case) and the need in particular circumstances to advance considerations of compensation and deterrence." 510 U.S. at 534 n.19 (internal citations and quotation marks omitted). The Ninth

Circuit has “added factors that ‘may be considered’ and ‘need not all be met’: the degree of success obtained in the litigation, the purposes of the Copyright Act, and ‘whether the chilling effect of attorney’s fees may be too great or impose an inequitable burden on an impecunious [litigant].” *Glacier Films (USA), Inc. v. Turchin*, 896 F.3d 1033, 1037 (9th Cir. 2018) (quoting *Perfect 10, Inc. v. Giganews, Inc.*, 847 F.3d 657, 675 (9th Cir. 2017)).

The Court finds that the *Fogerty* factors weigh in favor of an award of attorney’s fees. Plaintiffs were completely successful in their claims, showing that “their claims were not frivolous or objectively unreasonable.” *3M Co.*, 2018 WL 1989536, at \*6. Plaintiffs were motivated to protect their intellectual property. *Id.* The award of attorney’s fees “serve[s] the purpose of encouraging private enforcement and deterring infringements.” *Frank Music Corp. v. Metro-Goldwyn-Mayer Inc.*, 886 F.2d 1545, 1556 (9th Cir. 1989); *see also Nat’l Photo Grp., LLC*, 2014 WL 12576641, at \*4 (“Because the Court found willful infringement, all [*Fogerty*] factors support awarding reasonable attorneys’ fees.”). The Court further finds that the Ninth Circuit’s additional factors of degree of success and the purposes of the Copyright Act weigh in favor of awarding attorney’s fees. Only the potential risk of inequitably burdening an “impecunious” litigant, *Perfect 10*, 847 F.3d at 675, given the COVID-19 pandemic and its effect on restaurants, gives the Court pause. However, determining Defendant’s “impecunious[ness]” requires speculation as Defendant has refused to appear. As the additional Ninth Circuit factors “need not all be met,” nor even considered, *id.*, the Court concludes that an award of reasonable attorney’s fees is warranted.

After determining that an award of reasonable attorney’s fees is warranted, a court must determine what amount is reasonable. *See Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Nat’l Photo Grp., LLC*, 2014 WL 12576641, at \*4. “Courts determine the amount of a fee award by

determining a ‘lodestar figure,’ which is obtained by multiplying the number of hours reasonably expended on a matter by a reasonable hourly rate.” *UN4 Prods., Inc. v. Primozich*, 372 F. Supp. 3d 1129, 1136 (W.D. Wash. 2019). The reasonableness of a requested fee is evaluated “with reference to the prevailing rates charged by attorneys of comparable skill and experience in the relevant community.” *Id.* The relevant community is generally “the forum in which the district court sits.” *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 979 (9th Cir. 2008). A district court’s reliance on market rates from years past may constitute abuse of discretion. *Id.* at 981 (“[A] district court abuses its discretion to the extent it relies on cases decided years before the attorneys actually rendered their services.”). “After making that computation, the district court then assesses whether it is necessary to adjust the presumptively reasonable lodestar figure on the basis of the *Kerr* factors that are not already subsumed in the initial lodestar calculation.”<sup>2</sup> *Morales v. City of San Rafael*, 96 F.3d 359, 363–64 (9th Cir. 1996). A “strong presumption exists that the lodestar figure represents a reasonable fee, and therefore, it should only be enhanced or reduced in rare and exceptional cases.” *Fischer v. SJB-P.D. Inc.*, 214 F.3d 1115, 1119 n.4 (9th Cir. 2000) (quoting *Pennsylvania v. Del. Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 565 (1986)) (internal quotation marks and citations omitted).

Plaintiffs have provided a declaration by Cassandra Mercer and an accompanying itemized list detailing the legal work performed on this matter, which results in a total fee of

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<sup>2</sup> The *Kerr* factors, which originate in *Kerr v. Screen Guild Extras, Inc.*, 526 F.2d 67, 70 (9th Cir.1975), *cert. denied*, 425 U.S. 951 (1976), are as follows: “(1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5) the customary fee, (6) whether the fee is fixed or contingent, (7) 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.” *Morales*, 96 F.3d at 364 n.8.

\$22,014.00. The itemized list provides the work performed by Ms. Mercer and Ms. Vicki L. Smith. ECF 19-5 (itemized list). Ms. Mercer, an associate who was admitted to the Oregon State Bar in 2014, charged an hourly rate of \$370 on this matter, while Ms. Smith, a shareholder who has been practicing since 1985, charged an hourly rate of \$730. ECF 19 at ¶¶ 2–3. These are the customary hours each attorney charges for legal services. *Id.* Ms. Mercer and Ms. Smith are attorneys at Lane Powell PC, located in Portland, Oregon. ECF 19 at ¶¶ 1–4. Ms. Mercer provides as exhibits the Oregon State Bar 2017 Economic Survey (“OSB Survey”), ECF 19-1, the 2018 Update of the Morones Survey of Commercial Litigation Fees in Portland, ECF 19-2, a 2015 national survey of billing practices that includes law firms in the Pacific region, ECF 19-3, and a 2014 national survey of intellectual property hourly rates, ECF 19-4.

“This District considers the most recent Oregon State Bar Economic Survey (‘OSB Survey’) as its ‘initial benchmark’ in determining whether hourly billing rates are reasonable.” *Bark v. Northrop*, 300 F.R.D. 486, 493 (D. Or. 2014) (quotation marks and citations omitted); LR 54-3(a) (noting in the “Practice Tip” that the OSB Survey is the initial benchmark). “If the rate requested exceeds the average rate reported in the OSB Survey, the burden is on the prevailing party to justify that higher rate.” *Bark*, 300 F.R.D. at 493 (citations omitted). Attorneys may argue for higher rates based on inflation, specialty, or other factors. LR 54-3. The most recent OSB Survey is from 2017.

The Court finds Ms. Mercer’s rate, \$370, to be reasonable. It is just above the 2017 OSB survey’s 95<sup>th</sup> percentile for Portland attorneys of her experience (4–6 years), which is \$350. ECF 19-1 at 3. Ms. Mercer states that she has “focused [her] practice on intellectual property law since [her] admission to the Oregon State Bar in May 2014. [She] specialize[s] in copyright and

trademark law.” ECF 19 at ¶ 2. Given Ms. Mercer’s specialty practice, that this is Ms. Mercer’s customary rate, and the likely inflation since 2017, this Court finds Ms. Mercer’s rate reasonable.

The Court also finds that Ms. Smith’s rate of \$730 is reasonable. The most recent OSB Survey provides that in 2017, hourly rates for Portland attorneys with more than 30 years of experience ranged from \$300 to \$610. ECF 19-1 at 5. Because Ms. Smith ordinarily charges \$730, likely inflation since 2017, and her 35 years of broad experience, including trying cases involving intellectual property issues, this Court finds that awarding Ms. Smith her \$730 hourly rate is reasonable.

For this matter, Ms. Mercer billed Plaintiffs for a total of 37.4 hours, and Ms. Smith billed Plaintiffs for a total of 11.2 hours. ECF 19 at ¶ 10; *see also* ECF 19-5 at 5 (hours billed totaling 48.6). The Court finds these hours reasonable, given the filings made and the attorneys’ efforts to adjust to the COVID-19 pandemic, which disrupted Oregon life immediately after the Complaint was filed. Accordingly, the “lodestar” figure is \$22,014.00. The Court declines to adjust this figure based on the *Kerr* factors, finding that this is not a “rare instance[.]” justifying such adjustment. *Harris v. Marhoefer*, 24 F.3d 16, 18 (1994); *Oviatt v. Pearce*, 954 F.2d 1470, 1482 (9th Cir. 1992) (“adjustments are to be adopted only in exceptional cases”).

## CONCLUSION

For the foregoing reasons, the Court GRANTS as amended Plaintiffs’ Motion for Default Judgment, ECF 17. The Court ORDERS that Defendant Donald Harvey pay Plaintiffs \$21,600.00 in statutory damages; \$22,014.00 in fees; and \$578.53 in costs. Defendant is permanently enjoined from performing publicly, or from causing or permitting the public

performance of, any composition owned and/or controlled by ASCAP's members at Dr. Feelgood's Pub, or any other place owned, controlled, managed, or operated by Defendant, without a license to do so.

**IT IS SO ORDERED.**

DATED this 7th day of December, 2020.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Compensation of Lahna K. Lynn, Claimant.

SAIF CORPORATION and CRISCIONE FAMILY DENTAL PC,  
Petitioners,

v.

LAHNA K. LYNN,  
Respondent.

Workers' Compensation Board No. 1801185

Court of Appeals No. A174007

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

Before Egan, Presiding Judge, and Mooney, Judge.

In this workers' compensation case, claimant prevailed, and now seeks an award of attorney fees in the amount of \$24,174.45, pursuant to either ORS 656.386(1)(a) or ORS 656.382(2), as well as costs totaling \$491. Insurer and employer (petitioners) oppose the petition for fees and request findings. See ORS 13.10(7).

Petitioners first argue that, because they are seeking Supreme Court review of this court's decision in this case, any fee award from this court should be made conditionally, contingent upon claimant finally prevailing on Supreme Court review. See ORS 13.10(3). Petitioners next argue that the rate used to calculate the attorney fee award proposed by claimant--which is \$571.50 per hour--is excessive.

ORS 656.386(1)(a) provides, in relevant part: "In all cases involving denied claims where a claimant finally prevails against the denial in an appeal to the Court of Appeals or petition for review to the Supreme Court, the court shall allow a reasonable attorney fee to the claimant's attorney." ORS 656.382(2) provides, in relevant part:

"If a[n] \* \* \* appeal or cross-appeal to the Court of Appeals \* \* \* is initiated by an employer or insurer, and the \* \* \* court finds that all or part of the compensation awarded to a claimant should not be disallowed or reduced, \* \* \* the employer or insurer shall be required to pay to the attorney of the claimant a reasonable attorney fee in an amount set by the \* \* \* court for legal representation by an attorney for the claimant \* \* \* on appeal."

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

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Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

Page 1 of 2

Snyder Declaration  
Exhibit 7

Page 1 of 2

In this case, given that this case stemmed from insurer SAIF's denial of claimant's claim, and that this was a judicial review initiated by claimant's employer and SAIF, we determine that claimant is entitled to an award of reasonable attorney fees pursuant to either ORS 656.386(1)(a) or ORS 656.382(2).

We reject petitioners' argument that the fees should be awarded conditionally. First, ORS 656.382(2) allows for an unconditional award of attorney fees in this case. However, so, too, does ORS 656.386(1)(a). As noted above, that statute provides that if a claimant finally prevails in "an appeal to the Court of Appeals or petition for review to the Supreme Court," claimant is entitled to an attorney fee award. *Id.* (emphasis added). In this case, claimant finally prevailed in an appeal to the Court of Appeals.

Having considered the parties' arguments, as well as the ORS 20.075 factors, we further determine that the hourly rate of \$571.50, and the amount of fees requested at that rate, are reasonable. Specifically, we determine that ORS 20.075(2)(a) (the time and labor required in the proceeding, the novelty and difficulty of the questions involved, and the skill needed to properly perform the legal services), ORS 20.075(2)(c) (the fee customarily charged in the locality for similar legal services), ORS 20.075(2)(g) (the experience, reputation, and ability of the attorney performing the services), and ORS 20.075(2)(h) (whether the fee is fixed or contingent), support the full request for fees. Therefore, we award claimant \$24,174.45 in reasonable attorney fees.

As for costs, which are allowed and unopposed, claimant requests \$391 for the first appearance filing fee and \$100 for a prevailing party fee. Those costs are recoverable under ORS 20.310 and ORS 20.190. Therefore, we award claimant \$491 in costs.

In sum, claimant is awarded \$24,174.45 in attorney fees and \$491 in costs.



JAMES C. EGAN  
PRESIDING JUDGE, COURT OF APPEALS  
3/30/2022 10:11 AM

c: Jodie Anne Phillips Polich  
Beth Cupani

ej

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

REPLIES SHOULD BE DIRECTED TO: State Court Administrator, Records Section,  
Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

IN THE COURT OF APPEALS OF THE STATE OF OREGON

In the Matter of the Compensation of Terry D. Gibson, Claimant.

TERRY D. GIBSON,  
Petitioner,

v.

ESIS and GEORGIA PACIFIC CONSUMER PRODUCT - GEORGIA PACIFIC,  
Respondents.

Workers' Compensation Board No. 1904433

Court of Appeals No. A174561

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

Before Egan, Presiding Judge, and Mooney, Judge.

In this workers' compensation case, claimant sought judicial review of an order of the Workers' Compensation Board (the board) upholding employer's denial of his claim, and we reversed and remanded to the board. Claimant now petitions the court for an attorney fee award in the amount of \$27,946.35, pursuant to ORS 656.386(1)(a), and costs in the amount of \$491. Employer opposes the petition for fees. Neither party requests findings. See ORAP 13.10(7).

ORS 656.386(1)(a) provides, in relevant part: "In all cases involving denied claims where a claimant finally prevails against the denial in an appeal to the Court of Appeals or petition for review to the Supreme Court, the court shall allow a reasonable attorney fee to the claimant's attorney." Employer argues that the statute does not entitle claimant to an attorney fee award because, in light of the court remanding the case to the board for further proceedings, claimant has not yet "finally prevail[ed] against the denial" of his claim. ORAP 13.10(3) empowers the court to make an award of attorney fees for services rendered on judicial review to claimant, contingent upon the ultimate outcome of the case. We exercise our discretion under ORAP 13.10(3), in this case, to award claimant attorney fees conditionally.

Employer further argues that claimant's attorney's hourly rate of \$571.50 is excessive and that claimant's attorney's billing entries include descriptions that are unreasonably vague. We disagree on both counts. We further determine that the amount requested is reasonable in consideration of the ORS 20.075 factors. Therefore, we conditionally award claimant reasonable attorney fees in the amount of \$27,946.35.

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

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Supreme Court Building, 1163 State Street, Salem, OR 97301-2563

Page 1 of 2

Snyder Declaration  
Exhibit 8

Page 1 of 2

As for costs, they are allowed and unopposed. Claimant requests \$391 for the first appearance filing fee and \$100 for a prevailing party fee. Those costs are recoverable under ORS 20.310 and ORS 20.190. Accordingly, we award claimant \$491 in costs.

In sum, claimant is conditionally awarded \$27,946.35 in attorney fees, contingent upon finally prevailing on remand, and \$491 in costs.



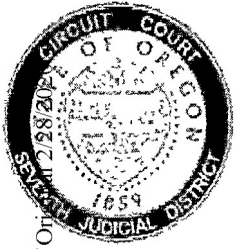
JAMES C. EGAN  
PRESIDING JUDGE, COURT OF APPEALS  
3/30/2022 9:31 AM

c: Jodie Anne Phillips Polich  
John M Oswald  
David P Levine  
Rebecca A Watkins

ej

**ORDER ALLOWING ATTORNEY FEES AND COSTS**

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Verified Correct Copy of Original  
2/28/2020

## CIRCUIT COURT OF THE STATE OF OREGON

SEVENTH JUDICIAL DISTRICT

GILLIAM, HOOD RIVER, SHERMAN, WASCO, AND WHEELER COUNTIES

309 STATE STREET

HOOD RIVER, OR 97031

541-386-3535

Janet L. Stauffer  
Presiding Judge

John A. Olson  
Circuit Judge

John A. Wolf  
Circuit Judge

Karen Ostrye  
Circuit Judge

Angie R. Tennison  
Trial Court Administrator

February 28, 2020

David Paul PC  
210 SW Morrison Street, Ste. 500  
Portland, OR 97204

Dirk L. Pierson  
Jill Schneider  
Senior Assistant Attorneys General  
Department of Justice  
1162 Court Street NE  
Salem, OR 97301-4096

**Re. Shandie Johnson & Tammarra Ferguson v. State of Oregon by and through its Department of Human Services, Wasco County Case No. 16CV09451**

Dear Counsel:

I am writing to inform the parties that I find that Plaintiffs are entitled to recover an award for attorney fees pursuant to their Statement of Attorney Fees and Costs. I am awarding Plaintiffs \$207,157.50 in attorney fees<sup>1</sup>, \$22,712.50 in paralegal expenses, and \$5,441.16 in litigation expenses. The total award is \$235,311.16.

It is undisputed that Mr. Paul worked at least 334.8 hours on this case, and that this is a reasonable amount of time given the circumstances of the case. However, Defendant objects to the hourly rate of \$495.00. Given the paucity of experienced employment attorneys in the Columbia River Gorge capable of handling this type of case, I find that Portland, Oregon is the relevant locality when assessing the reasonableness of Mr. Paul's hourly rate. Given Mr. Paul's skill and experience, given that this was a contingent fee case, and given the declaration of Stephen Brischetto, whom I recognize as an expert on the matter, I find that \$495.00 per hour is a reasonable rate.

Plaintiffs seek a 2.0 multiplier of the attorney fees and Defendant objects to any multiplier of the attorney fees. I conclude that a 1.25 multiplier is appropriate given the following circumstances: (1) The amount involved in the controversy and the results obtained<sup>2</sup>; the contingent fee agreement<sup>3</sup>; and (3) The high degree of risk that Plaintiffs would not prevail and that their attorney would receive no compensation for this case.

Defendant objects to the hourly rates paid to Plaintiffs' paralegals, and objects to the number of hours claimed for preparation of a chronology by Mr. Alsheri. I find that the requested paralegal

<sup>1</sup> \$165,726 with a 1.25 multiplier.

<sup>2</sup> ORS 20.075(2)(d).

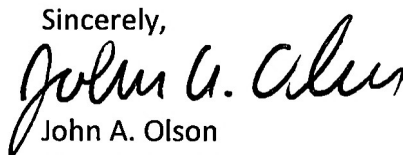
<sup>3</sup> ORS 20.075(2)(h).

rates are reasonable and will not reduce them. However, I find that the number of hours claimed by Mr. Alsheri appears to be excessive. His time is not itemized with any degree of specificity, and I'm not satisfied that 67 hours is a reasonable amount of time to create a chronology. I'm reducing his hours to 40, resulting in \$5,800 for his services rather than the requested \$9,715.

Finally, Defendant objects to Plaintiffs' request for reimbursement for mileage from Portland to The Dalles, lodging in The Dalles, and meals in The Dalles, as well as the costs for mediation. As previously noted, Plaintiffs' counsel is a Portland attorney. I find that there were no local attorneys qualified or willing to handle this type of case on a contingency basis, and so Plaintiffs had no reasonable alternative to hiring a Portland attorney. I find that each of the requested costs are reasonable and necessary expenses incurred in the prosecution of this action, and are expenses billed directly to the client and not overhead expenses already reflected in the hourly rate. Plaintiffs are entitled to recover these costs.

From the foregoing findings, I conclude that the factors described in ORS 20.075 support an award of Plaintiffs' attorney fees in the amount \$207,157.50, paralegal expenses in the amount of \$22,712.50, and litigation costs in the amount of \$5,441.16. The total award is \$235,311.16.

Plaintiffs should submit a Supplemental Judgement for my review and signature reflecting this decision.

Sincerely,  
  
John A. Olson  
Circuit Court Judge

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

GINA RANEY-EATHERLY, and MERILEE  
NOWAK,

Plaintiffs,

v.

STATE OF OREGON, acting by and through,  
OREGON DEPARTMENT OF CORRECTIONS,  
an Oregon Executive Agency,

Defendant.

Case No. 20CV27340  
Honorable Lindsay R. Partridge

PLAINTIFFS' STATEMENT OF ATTORNEY  
FEES AND COSTS

Plaintiffs Gina Raney-Eatherly and Merilee Nowak submit the following facts and authority to support an award to Plaintiffs of reasonable attorney fees in the amount of \$736,202.50, ORCP 68 costs in the amount of \$1,410.15, and litigation expenses in the amount of \$34,392.85. This Statement is made pursuant to ORS 659A.885 and ORCP 68. This Statement is supported by the Declaration of Steve Brischetto, the Declaration of J. Ashlee Albies, and Declaration of Judy Snyder and Exhibits attached thereto.

**I. Background**

This matter was tried by a jury in Marion County Circuit Court commencing on March 30, 2023 with the Honorable Lindsay Partridge presiding. On April 7, 2023, the jury returned a verdict in favor of Plaintiffs and against Defendant for unlawful retaliation in violation of ORS 659A.030(1)(f), ORS 659A.199 and ORS 659A.203. Pursuant to ORS 659A.885(1), Plaintiffs are entitled to attorney fees

1 and costs at trial. On April 25, 2023, judgment was entered for Plaintiffs against Defendant. Pursuant  
2 to ORS 659A.885(1), Plaintiffs should be awarded attorney fees.

3 Plaintiffs seek the following attorney fees:

Individual	Position	Hourly Rate	Hours	Total
Judy Snyder	Attorney	\$550.00	164.40	\$90,420.00
Holly Lloyd	Attorney	\$475.00	1321.30	\$627,617.50
Melissa Hopkins	Attorney	\$350.00	13.20	\$4,620.00
Erin Kabusreiter- Jones and Scott Brown	Paralegals	\$150.00	82.00	\$13,545.00
TOTAL				\$736,202.50

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11 Exhibit 1 to the Declaration of Judy Snyder contains the detailed billing records for the above-  
12 requested attorney fees. The itemization of the charges may support an inference of reasonableness.  
13 *State, By & Through Dep't of Transp. v. Gonzales*, 74 Or. App. 514, 520, 703 P.2d 271 (1985), *rev.*  
14 *den.*, 300 Or. 249 (1985), *citing Garrison v. Cook*, 280 Or. 205, 213, 570 P.2d 646 (1977); and *W. L.*  
15 *Bostick Family Trust v. Magliocco*, 64 Or. App. 305, 311, 667 P.2d 1044 (1983). Plaintiffs' attorneys  
16 reviewed each time entry and excluded from this petition any time spent on clerical tasks, duplicative  
17 time, or time spent on tasks unrelated to the litigation in this matter. Time which is not included in  
18 Plaintiffs' request is identified in the column labeled "Claimed Amount" and represented by zeros  
19 (0.00).

## 20 II. Prevailing Plaintiffs are Entitled to Attorney Fees and Costs

21 ORS 659A.885(1) provides that, in employment discrimination actions, "the court may allow the  
22 prevailing party costs and reasonable attorney fees at trial and on appeal." Although that language is  
23 permissive, Oregon courts have construed it as mandatory and highly favorable to plaintiffs, holding  
24 that prevailing plaintiffs are entitled to recover their attorney fees. *Chase v. Vernam*, 199 Or.App. 129,  
25 138-39, 110 P.3d 128 (2005); *see also Turnbow v. K.E. Enterprises, Inc.*, 155 Or.App. 59, 68, 962  
26 P.2d 764 (1998) (holding same under former equivalent statute); *Dobie v. Liberty Homes*, 53 Or.App.  
366, 373-74, 632 P.2d 449 (1981) (same). In so holding, the courts have identified the statute's

1 underlying legislative policy: promoting vigorous enforcement of employment discrimination statutes  
2 and encouraging employees with reasonable claims to assert them. *Hamlin v. Hampton Lumber Mills,*  
3 *Inc.*, 227 Or App 165, 167–68, 205 P3d 70, 72 (2009); citing *Turnbow*, 155 Or. App. at 68, 962 P.2d  
4 764 (summarizing rationale as described in *Dobie*, 53 Or. App. at 373–74, 632 P.2d 449).

5 Oregon courts generally award attorney fees based on the lodestar method, although there is  
6 room for adjustment based on the factors set forth in Oregon Revised Statute § 20.075. *See generally*  
7 *Strawn v. Farmers Ins. Co. of Or.*, 353 Or. 210, 297 P.3d 439, 447-48 (2013) (“Strawn I”). Under the  
8 lodestar method, courts multiply the reasonable hourly rate for each timekeeper by the reasonable  
9 number of hours the timekeeper worked on the case. Or. Rev. Stat. § 20.107(2).

10 **A. ORS 20.075(1) Factors**

11 Pursuant to ORS 20.075, courts must consider the following factors when making an award of  
12 attorney fees in any case in which an award of attorney fees is authorized by statute and in which the  
13 court has discretion to decide whether to award fees:

- 14 (a) The conduct of the parties in the transactions or occurrences that gave rise to the  
15 litigation, including any conduct of a party that was reckless, willful, malicious, in bad  
16 faith or illegal.
- 17 (b) The objective reasonableness of the claims and defenses asserted by the parties.
- 18 (c) The extent to which an award of an attorney fee in the case would deter others from  
19 asserting good faith claims or defenses in similar cases.
- 20 (d) The extent to which an award of an attorney fee in the case would deter others from  
21 asserting meritless claims and defenses.
- 22 (e) The objective reasonableness of the parties and the diligence of the parties and their  
23 attorneys during the proceedings.
- 24 (f) The objective reasonableness of the parties and the diligence of the parties in pursuing  
25 settlement of the dispute.
- 26 (g) The amount that the court has awarded as a prevailing party fee under ORS 20.190.
- (h) Such other factors as the court may consider appropriate under the circumstances of  
the case.

ORS 20.075(1).

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1                   **B.       ORS 20.075(2) Factors**

2                   Additionally, courts must consider the following factors when making an award of attorney fees:

- 3                   (a)       The time and labor required in the proceeding, the novelty and difficulty of the questions involved in the proceeding and the skill needed to properly perform the legal services.
- 4                   (b)       The likelihood, if apparent to the client, that the acceptance of the particular employment by the attorney would preclude the attorney from taking other cases.
- 5                   (c)       The fee customarily charged in the locality for similar legal services.
- 6                   (d)       The amount involved in the controversy and the results obtained.
- 7                   (e)       The time limitations imposed by the client or the circumstances of the case.
- 8                   (f)       The nature and length of the attorney’s professional relationship with the client.
- 9                   (g)       The experience, reputation and ability of the attorney performing the services.
- 10                  (h)       Whether the fee of the attorney is fixed or contingent.

11                  ORS 20.075(2).

12                  In considering the factors under ORS 20.075(1), a trial court must base its decision on a totality  
13                  of circumstances. *Jones v. Nava*, 264 Or. App. 235, 245, 331 P.3d 1067 (2014); *Beaverton Sch. Dist.*  
14                  *48j v. Ward*, 281 Or. App. 76, 83, 384 P3d 158, 162 (2016). In this case, the totality circumstances  
15                  demonstrate that Plaintiffs achieved an exceptional result in pursuing their important statutory  
16                  retaliation claims.

17   **1.       The ORS 20.075(1) factors weigh in favor of Plaintiffs’ requested fees**

- 18   (a)       *The conduct of the parties in the transactions or occurrences that gave rise to the litigation, including any conduct of a party that was reckless, willful, malicious, in bad faith or illegal.*

19                  The facts in this case as found by the jury support the attorney fees requested by Plaintiffs. The  
20                  jury found that Defendant unlawfully retaliated against Plaintiffs because they engaged in  
21                  whistleblowing activities, including reporting what they reasonably believed to be violations of state or  
22                  federal law, rules, or regulations. The jury considered evidence that showed Plaintiffs engaged in  
23                  several different protected activities over a period of months, and as a result, Ms. Raney-Eatherly’s  
24                  position was reclassified downward with a significant loss in pay. After Ms. Nowak reported that the  
25                  position was reclassified downward with a significant loss in pay. After Ms. Nowak reported that the  
26                  position was reclassified downward with a significant loss in pay.

1 pay cut violated DOC policies, shortly after Ms. Raney-Eatherly submitted an internal complaint and  
2 Tort Claim Notice, both Plaintiffs were laid off. The jury heard direct evidence that the adverse actions  
3 were taken because of the Plaintiffs' protected activities. The jury also heard circumstantial evidence  
4 that the adverse actions were taken at a time when Defendant continued to create and to hire  
5 managers into non-budgeted positions. The evidence confirmed that the Director and Deputy Director  
6 of the DOC were responsible for the adverse actions taken against Plaintiffs. The evidence at trial  
7 demonstrated the illegal conduct on the part of Defendant, meeting factor ORS 20.075(1)(a).

8 Prior to filing the lawsuit, each Plaintiff submitted an internal complaint with the Oregon  
9 Department of Administrative Services ("DAS"), with the hope that the state would recognize the  
10 unlawful retaliation, and right the wrongs being taken against Plaintiffs. That did not occur. Instead,  
11 the jury heard evidence that Defendant expressed an intent to get rid of the Plaintiffs because of the  
12 "litigation." The jury recognized the unlawful retaliation and vindicated an important state interest in  
13 protecting employees who speak out against wrongdoing.

14 (b) *The objective reasonableness of the claims and defenses*  
15 *asserted by the parties*

16 The retaliation claims were objectively reasonable, as supported by the jury's finding in  
17 Plaintiffs' favor on all claims, satisfying factor ORS 20.075(1)(b). In addition, Defendant did not file a  
18 motion for summary judgment to challenge any aspect of the Plaintiffs' claims. Such motions are  
19 routinely filed in employment claims, suggesting that the lack of such a motion supports the reasonable  
20 conclusion that the claims were objectively reasonable and supported by the evidence and the law.  
21 In contrast, Plaintiffs filed a motion for partial summary judgment against several affirmative defenses  
22 asserted by Defendant which were not objectively reasonable as they did not apply to the claims as  
23 a matter of law. The court granted Plaintiffs' motion for partial summary judgment moving against  
24 three of Defendant's affirmative defenses of discretionary immunity, apparent authority, and failure to  
25 exhaust administrative remedies. In addition, Defendant did not move for directed verdict at any time  
26 during the trial, which alone, signifies that the claims were objectively reasonable.

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1 (c) *The extent to which an award of an attorney fee in the case*  
2 *would deter others from asserting good faith claims or defenses*  
3 *in similar cases.*

4 Oregon has a strong social policy encouraging the pursuit of civil actions to correct employment  
5 discrimination and retaliation. Oregon is so invested in protecting whistleblowers that it has enacted  
6 two separate whistleblower protection statutes. A full award of fees in this case will encourage other  
7 plaintiffs who have experienced illegal retaliation to speak out and pursue claims, including claims  
8 against the state or other public employers. The award of attorney fees is an integral part of Oregon's  
9 policy of promoting vigorous enforcement of employment discrimination statutes. *Hamlin*, 227 Or. App.  
10 at 168. The whistleblower protection statutes demonstrate the importance the state of Oregon places  
11 on protecting employees who speak out against wrongdoing as a matter of public policy. "If private  
12 citizens are to be able to assert their civil rights, and if those who violated the Nation's fundamental  
13 laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs  
14 them to vindicate these rights in court." *Application of Roberts*, 291 Or. 21, 31, 628 P.2d 817 (1981)  
(citing 5 U.S. Code Cong. & Ad. News, 5910 (1976)).

15 An award of attorney fees commensurate with the time required to prepare and present  
16 Plaintiffs' claims is essential to protect public employees who perform the "important public duty" of  
17 engaging in whistleblowing. See, *Love v. Polk County Fire Dist.*, 209 Or. App. 474, 492, 149 P.3d 199  
18 (2006). A full award of fees encourages government employers to take more seriously their  
19 employee's claims, and notifies them that they will eventually have to pay for their bad choices. A full  
20 award of fees following a substantial verdict may make the consequences of unlawful retaliation known  
21 to a wider public than just the jury, and thus deter future wrongdoing. Awarding attorney fees to  
22 successful plaintiffs serves to support the important public policy, meeting factors 20.075(1)(c).

23 (d) *The extent to which an award of an attorney fee in the case*  
24 *would deter others from asserting meritless claims and*  
25 *defenses.*

26 A full award of attorney fees to Plaintiffs would encourage state employers, all of whom share  
the same DAS Risk Management department, to seriously consider their conduct before retaliating

1 against public employees. A full award of attorney fees would further encourage public employers to  
2 not assert meritless defenses. Therefore, factor ORS 20.075(1)(d) weighs in favor of awarding  
3 Plaintiffs' attorney fees.

4 (e) *The objective reasonableness of the parties and the diligence of*  
5 *the parties and their attorneys during the proceedings.*

6 Factor ORS 20.075(1)(e) further supports awarding Plaintiffs their attorney fees. The parties  
7 engaged in prolonged discovery due in part to the COVID pandemic, and in part, due to the delays in  
8 obtaining electronic discovery from Defendant. Defendant did not produce the requested electronic  
9 discovery for nearly ten months after it initially responded to Plaintiffs' First Request for Production of  
10 Documents. Defendant repeatedly asserted that its production was delayed due to ongoing litigation  
11 against DOC and the pandemic. When Defendant finally produced the electronic discovery, it  
12 produced over 86,000 emails. Each document was marked *Confidential, subject to the Stipulated*  
13 *Protective Order*. Such a designation was not appropriate, as the documents were all public records  
14 subject to public inspection. Defendant explained the designation was due to the fact that it did not  
15 have time to review all 86,000 emails for potential privilege so instead marked all documents  
16 confidential. This increased the burden on Plaintiffs' attorneys who were required to review all emails  
17 with the additional consideration of whether each document truly contained confidential information;  
18 e.g. HIPAA protected information regarding Adults in Custody.

19 Defendant was also unwilling to produce numerous documents regarding how other employees  
20 were treated by DOC, requiring Plaintiffs to file two separate motions to compel discovery. Both  
21 motions were primarily granted by the court, with a few, minor exceptions. Defendants conduct during  
22 discovery unnecessarily increased the burden on the Court. In addition, defendant repeatedly  
23 represented that certain text messages were no longer available, yet then produced those very text  
24 messages. The lack of clarity required Plaintiffs to conduct an additional corporate representative  
25 deposition to determine the manner of collecting and extracting text messages and to confirm which  
26 requested text messages were lost or not recoverable.

Plaintiffs took the depositions of fourteen (14) witnesses, all of whom were identified as trial

1 witnesses by either Plaintiffs or Defendant, with the exception of the corporate representative<sup>1</sup>.  
2 Although not all witnesses were called to testify, the individuals who were deposed were identified in  
3 discovery documents or by other witnesses as individuals who had information relevant to the claims  
4 and defenses at issue. Plaintiffs used three of the deposition videos to present testimony of  
5 Defendant's representative during Plaintiffs' case in chief, and used the remainder of the depositions  
6 to prepare for direct and cross examination.

7 Defendant produced over 96,000 documents, and Plaintiffs produced over 4,700 documents.  
8 The sheer volume of discovery produced required an extraordinary number of hours of Plaintiffs'  
9 attorneys time for document review and to prepare for depositions and trial. Plaintiffs' diligence in  
10 pursuing discovery to support their claims was demonstrated at trial, in which the Plaintiffs identified  
11 over 230 exhibits for trial, compared to the Defendant's 38 trial exhibits.

12 In addition, following the depositions of key witnesses Nathaline Frener and Rem Nivens,  
13 Plaintiffs moved to amend their complaint to add allegations related to that testimony. Defendant  
14 opposed the motion, and filed a Rule 21 Motion to Strike certain allegations from the Complaint. The  
15 court denied defendant's motion to strike, and granted Plaintiffs' motion to file the First Amended  
16 Complaint which included allegations of additional evidence of retaliation that was central to the case.

17 Despite the delays and barriers created by Defendant, Plaintiffs persisted in their pursuit of  
18 discovery, both through discovery and public records requests, resulting in Plaintiffs' success on all of  
19 statutory retaliation claims against Defendant.

20 (f) *The objective reasonableness of the parties and the diligence of*  
21 *the parties in pursuing settlement of the dispute.*

22 Factor ORS 20.075(1)(f) also supports Plaintiffs' attorney fees. On September 16, 2020,  
23 defendant made Offers of Judgment for each plaintiff for \$50,000.01, plus attorney fees as determined  
24 by the court. Plaintiffs did not accept those offers as their economic damages at that time exceeded

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26 <sup>1</sup>Plaintiffs deposed the following: Jennifer Black, Cindy Booth, Nichole Brown, Nathaline Frener, Mike Gower, Gail Levario, John Nees, Rem Nivens, Colette Peters, Craig Prins, Kelly Rath, Heidi Steward, Jeremiah Stromberg, and ORCP 36 C (6) deponent, Colton Mills.

1 the offers. Thereafter, Defendant indicated a willingness to entertain any reasonable settlement offers,  
2 but made no further moves toward resolving the claims. Plaintiffs' counsel conferred with defense  
3 counsel several times throughout the course of the litigation about meeting their obligations to engage  
4 in alternative dispute resolution prior to trial. It was not until the trial date approached that the state  
5 finally agreed to participate in mediation. Mediation was held on March 7, 2023, with retired Oregon  
6 Supreme Court Justice David Brewer. By the time of mediation, trial preparation was well-underway  
7 and the first round of pretrial documents were submitted on February 24, 2023.

8 The March 7, 2023 mediation was not successful. Defendant's opening offer was merely  
9 \$75,000 for each Plaintiff. The mediation concluded when Defendant made its maximum offer of  
10 \$400,000 in total for both Plaintiffs, inclusive of attorney fees and costs. Plaintiffs' economic damages  
11 alone, exceeded Defendant's total offer, and after nearly three years of litigation, Plaintiffs' attorney  
12 fees also exceeded the total offer.

13 (g) *The amount that the court has awarded as a prevailing party fee*  
14 *under ORS 20.190.*

15 Plaintiffs' requested and the court awarded the prevailing party fee of \$640.00. This factor is  
16 neutral as Plaintiffs are the prevailing parties and the base prevailing party fee is awarded to the  
17 successful party in all cases.

18 **2. The ORS 20.075(2) factors weigh in favor of Plaintiffs' Attorney Fees**

19 (a) *The time and labor required in the proceeding, the novelty and*  
20 *difficulty of the questions involved in the proceeding and the skill*  
21 *needed to properly perform the legal services.*

22 The time and labor required in the proceeding was longer than usual because of the COVID  
23 pandemic, as well as ongoing delays in discovery. The case involved several complex issues, because  
24 there were two plaintiffs, each of whom suffered adverse actions, each of whom had engaged in  
25 several forms of protected activities over several months, and each of whom suffered significant  
26 damages to their income and PERS benefits as well as emotional distress, all of which resulted in a  
substantial verdict. The case also involved complex issues related to state budgeting and the

1 classification and compensation system, which are unique to state employees.

2 The decisions at issue were also represented as those of the entire Executive Team, which  
3 required a significant number of depositions to determine the extent of involvement of the Executive  
4 Team in making those decisions. Ultimately, it was revealed that the decisions were made at the top  
5 level of agency leadership. In addition, it was not until the deposition was occurring that Plaintiffs were  
6 notified that some deponents, including Director Peters had a hard-stop time. This required Plaintiffs  
7 to depose Ms. Peters three separate times. Another witness, John Nees, also had to be deposed a  
8 second time due to a hard stop time not announced in advance.

9 The case was further complicated by the fact that the DOC faced a significant budget deficit  
10 which was used as a defense to the adverse actions and which needed to be analyzed and addressed  
11 throughout the case. Despite the deficit, responses to public records requests and discovery  
12 documents showed that DOC continued to hire managers into non-budgeted positions before, during,  
13 and after the layoffs of Plaintiffs. It took a significant amount of time to fully explore these complicated  
14 issues through depositions and discovery document review.

15 (b) *The likelihood, if apparent to the client, that the acceptance of*  
16 *the particular employment by the attorney would preclude the*  
*attorney from taking other cases.*

17 The complexity of the case, the number of depositions, and the volume of documents involved  
18 precluded Plaintiffs' attorneys from accepting many other cases, especially as the case moved closer  
19 to trial. Plaintiffs' counsel declined a number of cases during the discovery phase and again early in  
20 2023 so as to focus on Plaintiffs' case. Discovery took a significant amount of time away from other  
21 pending cases and precluded Plaintiffs' attorneys from accepting new clients.

22 (c) *The fee customarily charged in the locality for similar legal*  
23 *services.*

24 i. Judy Snyder

25 Judy Snyder's hourly rate is \$550.00 per hour. Ms. Snyder is a graduate of the University of  
26 Notre Dame School of Law. She has been licensed to practice law in the state of Oregon since 1973  
and has extensive litigation experience in state and federal court. She is a Fellow in the American

1 College of Trial Attorneys and of the American Board of Trial Advocates - both of which are “by  
2 invitation only” national organizations of trial attorneys. Through her litigation experience representing  
3 the interests of plaintiffs and defendants in litigation, knowledge of rates charged to other clients,  
4 experience testifying as an expert in fee litigation, knowledge of fee surveys, and contacts with other  
5 litigators, Ms. Snyder is aware of the hourly rates routinely charged for litigation and the factors  
6 considered when evaluating petitions for an award of attorneys fees.

7 The Supreme Court has instructed that rates should not be set simply based on the number  
8 of years of experience, but also need to take into account “skill, experience, and reputation.” *Blum v.*  
9 *Stenson*, 465 U.S. 886, 895 n. 11 (1984). Ms. Snyder is regarded as one of the finest plaintiff’s trial  
10 attorneys in the state of Oregon.

11 Ms. Snyder’s rate of \$550.00 per hour is less than the customary hourly rate for an attorney with  
12 forty-nine (49) years of litigation experience and falls between the 75th percentile and the 95th  
13 percentile in the 2017 OSB Economic Survey for attorneys in practice more than thirty (30) years in  
14 Portland, Oregon. That survey does not account for inflation and is six years out of date. Her rate is  
15 less than what practitioners with fewer years of experience have been awarded by Oregon’s federal  
16 and state courts in other litigation:

- 17 • In *Disability Rights Oregon, Metro. Public Defender Serv., & A.J Madison v. Pat Allen*  
18 *and Dolores Matteucci*, Ninth Circuit Court of Appeals Case No. 20-35540 (2021), the  
19 Ninth Circuit awarded attorney Jesse Merrithew, licensed to practice law in 2007, the  
20 rate of \$550 an hour for work on the civil rights case. (Exhibit 4).
- 21 • In *Foraker v. USAA Casualty Insurance Co.*, Ninth Circuit Court of Appeals Case No.  
22 20-35596, the Ninth Circuit awarded attorney Stephen Hendricks, OSB No. 792653, an  
23 hourly rate of \$623. (Exhibit 5).
- 24 • In , Judge Immergut found that the hourly rate of \$730.00 was reasonable for an  
25 attorney with 4-6 years of experience in a speciality practice involving intellectual  
26 property for intellectual property. (Exhibit 6).

- 1 • In *SAIF Corp. And Criscione Family Dental, P.C. v. Lynn*, Oregon Court of Appeals  
2 Case No. A174007, (May 13, 2022), the Court of Appeals awarded an hourly rate of  
3 \$571 in a workers' compensation case (Exhibit 7); *see also, Gibson v. Esis and Georgia*  
4 *Pacific Consumer Product - Georgia Pacific*, Oregon Court of Appeals Case No.  
5 A174561 (May 20, 2022) (awarding claimant's attorney's hourly rate of \$571.50) (Exhibit  
6 8).

7 ii. Holly Lloyd

8 Holly Lloyd's hourly rate is \$470.00 per hour. Ms. Lloyd is a 1994 graduate of the Willamette  
9 University College of Law and Oregon State Bar admittee. She has been an associate of Ms. Snyder  
10 and a practicing attorney for over 25 years. Ms. Lloyd's practice focuses on litigation in the state and  
11 federal courts, with an emphasis on employment and civil rights litigation. In this case, Ms. Lloyd was  
12 primarily responsible for all aspects of the case through dispositive motions, including discovery  
13 requests and responses, taking all depositions, and all pretrial motions. At trial, Ms. Lloyd was primarily  
14 responsible for pre-trial motions, trial memorandum, jury instructions, verdict forms, as well as direct  
15 and cross examination of some witnesses at trial. According to the OSB 2017 Economic Survey, which  
16 is six years out of date, an hourly rate of \$475.00 per hour for an attorney admitted to practice for 21-30  
17 years in Portland is in the 75th percentile. Ms. Lloyd's hourly rate is reasonable based on her  
18 experience, skills and expertise in employment litigation.

19 iii. Melissa Hopkins

20 Melissa Hopkins hourly rate is \$350. Ms. Hopkins is a graduate of the University of Oregon  
21 School of Law and a 2019 admittee to the Oregon State Bar. Under the OSB 2017 Economic Survey,  
22 in **2016** an hourly rate of \$350 per hour for an attorney admitted to practice for zero to three years is  
23 at the 95th percentile in the Tri-County area. Ms. Hopkins has already participated in trial as a second-  
24 chair, has argued before the Oregon Court of Appeals and has argued numerous motions in trial court.  
25 As the law is a second career for Ms. Hopkins, she brings a wealth of experience and maturity to her  
26 work which more than qualifies her for this hourly rate which is consistent with recent opinions and

1 orders of the federal and state courts in Oregon.

2 iv. Paralegals

3 In *Missouri v. Jenkins*, 491 U.S. 274 (1989), the Supreme Court held that a prevailing plaintiff  
4 could recover the costs of paralegals' time under a statute allowing for "a reasonable attorney's fee as  
5 part of the costs." *Id.* at 285 (quoting 42 U.S.C. § 1988). The *Jenkins* Court explained that "the fee  
6 must take into account the work not only of attorneys, but ... it must also take account of other  
7 expenses and profit." *Id.* The firm bills for paralegal services at the rate of \$150.00 an hour, which is  
8 comparable to rates charged by other firms in the area. The firm's standard fee for paralegal services  
9 is less than the hourly fee of \$175 charged by local businesses which provide trial technology and  
10 support. In *Hanna Ltd. Partnership v. Windmill Ends of America, Inc.*, 223 Or. App. 151, 167-68, 194  
11 P.3d 874 (2008), the Court of Appeals affirmed the trial court's award of fees, which included paralegal  
12 fees.

13 Ms. Kabusreiter-Jones and Mr. Brown's skills were demonstrated by Plaintiffs significant use  
14 of technology during trial; e.g. edited video depositions of Defendant's executives, electronic exhibit  
15 projections, electronic demonstrative exhibits, timelines and power point presentations for opening  
16 statement and closing argument. Paralegals Scott Brown and Erin Kabusreiter-Jones each contributed  
17 to the trial preparation and presentations. Mr. Brown is a skilled paralegal adept at creating  
18 demonstrative exhibits, including the timeline and power point presentations which were used in  
19 opening statements and closing argument. Mr. Brown is also adept at creating spreadsheets which  
20 assisted in estimating the damages for filing the initial and first Amended Complaints.

21 Ms. Kabusreiter-Jones has a college degree in communications. She serves as the firm's expert  
22 on the technology required to prepare and present a case to a jury. She was responsible for editing  
23 the deposition videos which were presented during Plaintiffs' case in chief using the firm's in-house  
24 equipment. She was also responsible to trial technology support throughout the trial, including  
25 presenting exhibits. She is billed to the firm's clients at the rate of \$150 per hour. Ms. Kabusreiter-  
26 Jones' hourly rate is consistent with recent opinions and orders. In *Foraker v. USAA Casualty*

1 *Insurance Co.*, Ninth Circuit Court of Appeals Case No. 20-35596 (March 15, 2022 Order), the Ninth  
2 Circuit awarded an hourly rate of \$175 for a paralegal (Exhibit 5). In *DiGiovanni v. Alu, Inc.*, 2010 WL  
3 3361036 (D. Or. July 28, 2010), Magistrate Papak awarded fees in a wage claim action brought under  
4 the FLSA and Oregon wage and hour statutes. The court found that \$150/hr. for a "legal assistant"  
5 was appropriate. Plaintiffs seek the same \$150 hourly rate now.

6 (d) *The amount involved in the controversy and the results obtained.*

7 The amount involved in the controversy as alleged in the First Amended Complaint was  
8 \$1,878,164.00, which was amended during trial and increased to conform to the evidence presented  
9 through expert testimony of Dr. Eric Fruits. The Plaintiffs achieved an outstanding result and were  
10 awarded damages in the amount of \$2,417,523.00, including economic and noneconomic damages.  
11 Plaintiffs are not aware of a more substantial verdict in an employment retaliation case in the state of  
12 Oregon.

13 (e) *The time limitations imposed by the client or the circumstances  
14 of the case.*

15 The circumstances of the case and the need to file the compliant during the pandemic  
16 increased the amount of time between filing and trial. The increase of time was not due to any actions  
17 on the part of Plaintiffs.

18 (f) *The nature and length of the attorney's professional relationship  
19 with the client.*

20 Plaintiff Gina Raney-Eatherly retained her attorney's services in November 2019 when she was  
21 notified that her position was being reclassified, her pay would not be redcircled. Ms. Raney-Eatherly  
22 sought assistance early in the claim, including for submitting her DAS complaint and tort Claim Notice  
23 in December 2019. She has been continuously represented by her attorneys since that time.

24 Plaintiff Merilee Nowak retained the firm in March 2020, after she was notified that she was  
25 being laid off. It became clear that she was being singled out because of her advocacy for Ms. Raney-  
26 Eatherly and her participation in protected activities. She has remained a client of the firm since that  
date.

1 (g) *The experience, reputation and ability of the attorney performing*  
2 *the services.*

3 Plaintiffs' attorneys enjoy a favorable professional reputation in the community and have the  
4 skills and abilities to represent clients in state and federal court, including on appeal. They regularly  
5 receive more referrals than they have capacity to accept and are well-regarded in the legal community.

6 (h) *Whether the fee of the attorney is fixed or contingent.*

7 Plaintiffs have a contingent fee agreement with their attorneys. The attorneys accepted the  
8 case with the realization that there would be no compensation for their time unless the Plaintiffs  
9 prevailed. Plaintiffs' attorneys undertook a significant financial risk in assisting two state employees  
10 in vindicating their essential rights. This factor supports an award of attorney fees with the lodestar  
11 method.

### 12 **C. Fees for time spent of Statement of Attorney Fees**

13 There is longstanding precedent in Oregon that a party may recover its attorney fees incurred  
14 as part of the fee application and litigation process. *Crandon Capital Partners v. Shelk*, 219 Or. App.  
15 16, 42–43, 181 P.3d 773, 789 (2008), *rev. den.*, 345 Or. 158 (2008) (collecting cases). “The  
16 enforcement of a judgment and final collection of money due are ‘legal services related to the  
17 prosecution or defense of an action’ [as provided in ORCP 68 A(1)] and may be considered in awarding  
18 attorney fees.” *Johnson v. Jeppe*, 77 Or.App. 685, 688, 713 P.2d 1090 (1986).

19 Plaintiffs seek leave of the court to file a supplement motion for attorney fees for time spent on  
20 the Statement for Attorneys Fees.

### 21 **III. Costs and Litigation Expenses**

22 ORCP 68 provides that “costs and disbursements shall be allowed to the prevailing party.”  
23 Pursuant to ORCP 68, Plaintiffs seek an award of their costs in the amount of \$1,410.15, including the  
24 filing fees (\$995.00); witness subpoena fees (\$247.75), copies of documents admitted into evidence  
25 (\$125.40), and fees for service of summons (\$42.00). These costs are detailed on Exhibit 2 to the  
26 Snyder Declaration.

Plaintiffs also seek an award of litigation expenses in the amount of \$34,367.45. These

1 litigation expenses are billable directly to the clients and are not overhead expenses already reflected  
2 in the hourly rates for legal services. Courts should “include expenses specially billed to the client in  
3 the attorney fees award when they are properly documented and reasonable.” *Willamette Prod. Credit*  
4 *Ass’n v. Borg-Warner Acceptance Corp.*, 75 Or. App. 154, 706 P.3d 577, 580 (1985); *Robinowitz v.*  
5 *Pozzi*, 127 Or. App. 464, 470-71, 872 P.2d 993 (1994). Litigation expenses, including jury fees,  
6 deposition fees, travel, mileage, parking, photocopies, expert witness fees, medical records, and  
7 computer research are routinely awarded to prevailing plaintiffs. In *Burley v. Clackamas County*,  
8 Clackamas County Circuit Court Case No. CV14110305, prevailing plaintiffs sought an award of  
9 attorney fees, costs and litigation expenses including (See Exhibit 9: Supplemental Judgment and  
10 Money Award, dated August 15, 2017). In *Johnson & Ferguson v. State of Oregon By and Through*  
11 *Department of Human Services*, Wasco County Circuit Court Case No. 16CV09451, the court awarded  
12 the prevailing plaintiffs’ litigation expenses including mileage, lodging, meal, depositions, and costs for  
13 mediation, in addition to costs and attorneys fees. (See Exhibit 10, February 28, 2020 Letter and  
14 Memorandum in Support of Plaintiffs’ Statement of Attorney Fees).

15 Plaintiffs’ counsel are aware of the usual and customary practice of plaintiff’s attorneys who  
16 regularly bill their clients for litigation expenses. Exhibit 3 to the Snyder Declaration contains the  
17 detailed information on litigation expenses being sought in this case.

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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing PLAINTIFFS’ STATEMENT OF ATTORNEY FEES AND COSTS on:

Ms. Jill Schneider  
Senior Assistant Attorney General  
Nathaniel Aggrey  
Assistant Attorney General  
Dept. of Justice  
1162 Court Street NE  
Salem, OR 97301  
[jill.schneider@doj.state.or.us](mailto:jill.schneider@doj.state.or.us)  
[nathaniel.aggrey@doj.state.or.us](mailto:nathaniel.aggrey@doj.state.or.us)

- by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon.
- by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above.
- by electronically filing through the Odyssey e-file and e-serve system.
- by hand delivering to said attorney(s) a true copy thereof.
- by faxing to said attorney (s) a true copy thereof.
- by concurrently electronically mailing this documents in Word format to each attorney’s last-known e-mail address on the date set forth below.

DATED this 8th day of May, 2023.

LAW OFFICES OF JUDY SNYDER

s/Judy Snyder  
 JUDY DANELLE SNYDER, OSB No. 732834  
 HOLLY LLOYD, OSB No. 942979  
 Telephone: (503) 228-5027  
 Facsimile: (971) 277-3894  
 Email: [judy@jdsnyder.com](mailto:judy@jdsnyder.com)  
 Email: [holly@jdsnyder.com](mailto:holly@jdsnyder.com)  
 Of Attorneys for Plaintiffs

Trial Attorney: Judy Danelle Snyder, OSB No. 732834

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

GINA RANEY-EATHERLY, and MERILEE  
NOWAK,  
  
Plaintiffs,  
  
v.  
  
STATE OF OREGON, acting by and through,  
OREGON DEPARTMENT OF CORRECTIONS,  
an Oregon Executive Agency,  
  
Defendant.

Case No. 20CV27340  
  
Honorable Lindsay R. Partridge  
  
SUPPLEMENTAL JUDGMENT AND MONEY  
AWARD

THIS MATTER having come before the Court on the statement of attorney fees, costs and disbursements filed by Plaintiffs Gina Raney-Eatherly and Merilee Nowak ("Plaintiffs") on May 8, 2023, Defendant State of Oregon acting by and through Oregon Department of Corrections, having filed objections, and the Court having been briefed by the parties and being fully advised, concludes that Plaintiffs are entitled to an award of attorney fees and costs in accordance with ORCP 68 and ORS 659A.885.

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiffs are awarded supplemental judgment against Defendant in the amount of \$736,202.50 for attorney fees, and \$3,160.15 for costs.

**MONEY AWARD**

A. Judgment creditors: Gina Raney-Eatherly  
P.O. Box 510,  
Aumsville, OR 97325  
  
Merilee Nowak  
P.O. Box 631,  
Hubbard, OR 97032



1 **UTCR 5.100 CERTIFICATE OF READINESS**

2 This proposed *Supplemental Judgment and Money Award* is ready for judicial signature  
3 because:

- 4 1. [ ] Each party affected by this order or judgment has stipulated to the order or judgment,  
5 as shown by each party's signature on the document being submitted.
- 6 2. [ ] Each party affected by this order or judgment has approved the order or judgment, as  
7 shown by each party's signature on the document being submitted or by written  
8 confirmation of approval sent to me.
- 9 3. [x] I have served a copy of this order or judgment on each party entitled to service and:  
10 a. [x] No objection has been served on me.  
11 b. [ ] I received objections that I could not resolve with a party despite reasonable  
12 efforts to do so. I have filed a copy of the objections I received and indicated  
13 which objections remain unresolved.  
14 c. [ ] After conferring about objections, [role and name of opposing party] agreed to  
15 file any remaining objection.
- 16 4. [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
17 otherwise.
- 18 5. [ ] This is a proposed judgment that includes an award of punitive damages and notice has  
19 been served on the Director of the Crime Victims' Assistance Section as required by  
20 subsection (5) of this rule.
- 21 6. [ ] Other: \_\_\_\_\_.

22 DATED this 18<sup>th</sup> day of August, 2023.

23 LAW OFFICES OF JUDY SNYDER

24 s/Holly Lloyd  
25 JUDY DANELLE SNYDER, OSB No. 732834  
26 HOLLY LLOYD, OSB No. 942979  
Telephone: (503) 228-5027  
Facsimile: (971) 277-3894  
Email: [holly@jdsnyder.com](mailto:holly@jdsnyder.com)  
Of Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing Supplemental Judgment and Money Award on:

Jill Schneider  
Senior Assistant Attorney General  
Nathaniel Aggrey  
Assistant Attorney General  
Oregon Department of Justice  
1162 Court Street, NE  
Salem, OR 97301-4096  
[jill.schneider@doj.state.or.us](mailto:jill.schneider@doj.state.or.us)  
[nathaniel.aggrey@doj.state.or.us](mailto:nathaniel.aggrey@doj.state.or.us)

- [ ] by mailing to said defendant a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon on the date set forth below.
- [ X ] by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above on the date set forth below.
- [ X ] by electronically filing through the Odyssey e-file and e-serve system.
- [ ] by hand delivering to said attorney(s) a true copy thereof on the date set forth below.
- [ ] by faxing to said attorney (s) a true copy thereof on the date set forth below.
- [ ] by concurrently electronically mailing this documents in Word format to each attorney’s last-known e-mail address on the date set forth below.

DATED this 18<sup>th</sup> day of August, 2023.

LAW OFFICES OF JUDY SNYDER

s/Holly Lloyd  
JUDY DANELLE SNYDER, OSB No. 732834  
HOLLY LLOYD, OSB No. 942979  
Telephone: (503) 228-5027  
Facsimile: (971) 277-3894  
Email: [holly@jdsnyder.com](mailto:holly@jdsnyder.com)  
Of Attorneys for Plaintiffs

Trial Attorney: Judy Danelle Snyder, OSB No. 732834

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

BETH WOOLSEY, GREG WOOLSEY, JEFF  
MCNEAL, KATHLEEN MCNEAL, MEGHAN  
ROGERS-CZARNECKI, STEFAN CZARNECKI,  
and ELIZABETH GEMEROY,

Plaintiffs,

v.

NEWBERG SCHOOL DISTRICT 29J, an  
Oregon public school district, TREVOR  
DEHART, RENEE POWELL, BRIAN  
SHANNON, and DAVE BROWN, individually  
and in their capacity as members of the board of  
directors of Newberg School District 29J,

Defendants.

Case No. 21CV41198

DECLARATION OF MELISSA HOPKINS IN  
SUPPORT OF PLAINTIFFS' STATEMENT  
FOR ATTORNEY FEES, COSTS AND  
DISBURSEMENTS

*Honorable Cynthia L. Easterday*

I, Melissa Hopkins, being first duly sworn, do depose and say:

1. I am one of the attorneys representing plaintiffs Beth Woolsey, Greg Woolsey, Jeff McNeal, Kathleen McNeal, Meghan Rogers-Czarnecki, Stefan Czarnecki, and Elizabeth Gemeroy in the above-captioned matter. I make this declaration in support of Plaintiffs' Statement for Attorney Fees, Costs and Disbursements. This declaration is based upon my personal knowledge and I am competent to testify with respect to the matters set forth below.

2. I am one of the associates at the Law Offices of Judy Snyder. I graduated from the

1 University of Oregon School of Law in 2018. Attached as Exhibit 1 is a true and correct copy of my  
2 resume, which includes my employment before, during and after law school as well as my non-paid  
3 activities and memberships.

4 3. In 2012, while working for the State of Washington, I was subjected to ADA, FMLA and  
5 public policy whistle blower discrimination which culminated in my own wrongful termination claim  
6 against the State of Washington.

7 4. Before I went to law school, I worked for the Office of Minority and Women's Business  
8 Enterprises, and represented the State of Washington at administrative hearings from 2010 through  
9 2012. Here, I investigated, analyzed, made certification decisions, and represented the agency at  
10 administrative hearings for the Washington State and the U.S. Department of Transportation's  
11 programs for minorities, women, and socially and economically disadvantaged individuals.

12 5. From June through August 2016, I clerked at Disability Rights Oregon, where I  
13 performed client evaluations, attended client meetings, negotiated with third-parties for reasonable  
14 accommodations, and performed legal research and writing.

15 6. From May through August 2017, I clerked for the Law Offices of Judy Snyder, and  
16 returned to clerk again in January 2018. From August through December 2017, I clerked at Vacasa,  
17 and did employment-related research.

18 7. After I passed the bar in 2019, I was hired as an associate at Ms. Snyder's firm. Within  
19 two months of becoming an associate, I successfully represented a client through an employment-  
20 related motion for summary judgment, including oral argument.

21 8. As an associate at the Law Offices of Judy Snyder my hourly rate is \$350.00 per hour.  
22 I represent clients on an hourly and contingent-fee basis and routinely handle employment-related  
23 claims. The firm bills clients for my hourly rate of \$350.00.

24 9. Since becoming an associate, I have represented employees at administrative hearings  
25 and have argued multiple employment-related summary judgment motions. I have also represented  
26 employees facing disciplinary sanctions. I have briefed appeals and argued before the Oregon Court

1 of Appeals. I have briefed motions on a variety of different civil claims and have successfully argued  
2 those motions before courts in the state of Oregon.

3 10. Since 2019, I have briefed numerous responses to motions for summary judgment,  
4 prepared discovery motions, and argued in support of all motions at oral argument both in state and  
5 federal court. In August of 2021, I successfully defended a writ of mandamus to the Oregon Supreme  
6 Court involving a discovery dispute in which was ultimately granted. In November of 2021, I second-  
7 chaired my first trial in Multnomah County Circuit Court in the case *Kirby v. OHSU*, which involved  
8 disability discrimination in a nurse practitioner program at OHSU. During that trial, I was responsible  
9 for all motions and conducted direct examination of one witness. In November of 2023, I first-chaired  
10 my first three day arbitration for an employment discrimination claim, representing a medical  
11 professional against their former employer. During that arbitration, I handled all depositions, briefing,  
12 opening statement, direct and cross witness examinations – as this case settled on the second day,  
13 I was unable to conduct closing statements. Most recently, I conducted all depositions of medical  
14 personnel, prepared all briefing, and successfully argued in support of all motions at oral argument in  
15 a wrongful death and medical malpractice case.

16 11. In the present case, I was responsible for extensive briefing, including responses to  
17 defendants' motions to strike and motions for summary judgment. I further drafted plaintiffs' motion  
18 to amend the complaint, motion to compel and response to all defendants' objections to findings of fact.  
19 During this case, I completed the review of over 20,000 discovery documents to determine relevancy  
20 to the claims in the case and conducted nearly all of the defendant depositions. During trial, I  
21 presented the opening statement, conducted witness examinations, and argued all motions before the  
22 court.

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1 I hereby declare that the above statements are true to the best of my knowledge and  
2 belief, and that I understand it is made for use as evidence in court and is subject to penalty for  
3 perjury.

4 DATED this 17<sup>th</sup> day of May, 2024.

5 LAW OFFICES OF JUDY SNYDER

6  
7 s/Melissa Hopkins  
8 JUDY DANELLE SNYDER, OSB No. 732834  
9 MELISSA HOPKINS, OSB No. 192226  
10 Telephone: (503) 228-5027  
11 Facsimile: (971) 277-3894  
12 Email: [judy@jdsnyder.com](mailto:judy@jdsnyder.com)  
13 Email: [melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)  
14 Of Attorneys for Plaintiffs  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF MELISSA HOPKINS IN SUPPORT OF PLAINTIFFS' STATEMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS on:

Mr. Daniel E. Thenell  
Ms. Chelsea P. Pyasetsky  
Thenell Law Group, P.C.  
6 Centerpointe Dr., Suite 450  
Lake Oswego OR 97035  
[dan@thenelllawgroup.com](mailto:dan@thenelllawgroup.com)  
[chelsea@thenelllawgroup.com](mailto:chelsea@thenelllawgroup.com)

Mr. C. Robert Steringer  
Ms. Erica Tatoian,  
Harrang Long Gary Rudnick P.C.  
111 S.W. Columbia Street, Suite 950  
Portland, Oregon 97201  
[bob.steringer@harrang.com](mailto:bob.steringer@harrang.com)  
[erica.tatoian@harrang.com](mailto:erica.tatoian@harrang.com)

*Of Attorneys for Defendants Trevor Dehart, Renee Powell, Brian Shannon, and Dave Brown*

*Of Attorneys for Defendant Newberg School District 29J*

by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon.

by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above.

by electronically filing through the Odyssey e-file and e-serve system.

by hand delivering to said attorney(s) a true copy thereof.

by faxing to said attorney (s) a true copy thereof.

by concurrently electronically mailing this documents in Word format to each attorney's last-known e-mail address on the date set forth below.

DATED this 17<sup>th</sup> day of May, 2024.

LAW OFFICES OF JUDY SNYDER

s/Melissa Hopkins  
JUDY DANELLE SNYDER, OSB No. 732834  
MELISSA HOPKINS, OSB No. 192226  
Telephone: (503) 228-5027  
Facsimile: (971) 277-3894  
Email: [judy@jdsnyder.com](mailto:judy@jdsnyder.com)  
Email: [melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)  
Of Attorneys for Plaintiffs

# MELISSA LEE HOPKINS

[melissa@jdsnyder.com](mailto:melissa@jdsnyder.com)

| [linkedin.com/in/melissaleehopkins](https://www.linkedin.com/in/melissaleehopkins)

---

## ***Education***

**University of Oregon School of Law | Eugene, OR**  
Juris Doctor | 2018 | Oregon State Bar # 192226

**Seattle University | Seattle, WA**  
Master of Public Administration, Government | 2010

**University of Puget Sound | Tacoma, WA**  
Bachelor of Arts in History | Bachelor of Arts in Politics & Government | 2004

## ***Experience***

**The Law Offices of Judy Snyder; Portland, OR | Associate Attorney** (*June 2019 – Present*)

**Law Clerk** (*May 2017 – August 2017; January 2018 – May 2018; August 2018 – June 2019*)

- Practice areas include civil rights, prisoner rights, sexual assault, employment discrimination, disability discrimination, medical malpractice, legal malpractice, and wrongful death.
- Draft complaints, demand letters, trial documents, and other responsive pleadings.
- Perform client intake, client meetings, and client communication.
- Provide legal research and drafting for state, federal, and appellate cases.
- Represent clients in court proceedings for state, federal, and appellate cases.
- Represent clients in administrative hearings and arbitration.

**Vacasa, LLC; Portland, OR | Law Clerk** (*August 2017 – December 2017*)

- Provided legal research, writing, and advice on topics including employment law, regulatory compliance, and consumer protection.

**Disability Rights Oregon; Portland, OR | Law Clerk** (*June 2016 – August 2016*)

- Performed client evaluations and attended client meetings.
- Negotiated with third parties to mediate or seek reasonable accommodations for clients.
- Provided legal research and writing on a variety of disability-related claims.

**City of Portland Bureau of Development Services; Inspection Services Division; Portland, OR | Management Assistant** (*February 2015 – August 2015*)

- Drafted procedural responses to the City Auditor's published findings.
- Created training materials for new City Council rule changes and instructed in-person trainings.
- Assisted in the management of over 100 employees in the Division.

**City of Portland Bureau of Development Services; Director's Office; Portland, OR | Management Assistant** (*June 2014 – February 2015*)

- Identified service and operational issues; and collaborated with the section managers and workgroups to implement changes needed to increase efficiencies.

**Oregon Department of Transportation - Office of Civil Rights; Salem, OR | Civil Rights Programs Coordinator** (*July – October 2013*)

- Created an internal auditing system for civil rights compliance.
- Performed contract analysis, internal and external audits to ensure compliance with federal and state regulations.
- Managed and established construction and apprenticeship goal setting for federally funded projects.
- Evaluated bidder proposals regarding the Disadvantaged Businesses Enterprise program specifications and determined any necessary administrative actions.

**Washington State House of Representatives - Office of Program Research; Olympia, WA | Agriculture & Natural Resources Committee Legislative Assistant** (*January – April 2013*)

- Provided administrative and technical support to research attorneys and Committee Representatives.

**State of Washington Office of Minority and Women's Business Enterprises; Olympia, WA | Management Analyst** (*November 2010 – March 2012*)

- Investigated, analyzed, made certification decisions, and represented the Agency at administrative hearings for the Washington State and the U.S. Department of Transportation's programs for minorities, women, and socially and economically disadvantaged individuals.
- Investigated external and internal complaints against certified businesses and removed certification from businesses determined to have violated regulations.
- Subjected to ADA, FMLA and whistleblower discrimination culminating in a wrongful termination claim against the State of Washington.

***Memberships & Activities***

- Co-Chair New Lawyer Section; Oregon Trial Lawyers Association | 2021 – 2022; 2022 – 2023
- Oregon State Bar House of Delegates Representative for Region 5 | 2021 - 2023
- Board Member; Ovarian Cancer Alliance of Oregon & SW Washington | 2021 – 2023
- Public Speaker; Ovarian Cancer Alliance of Oregon & SW Washington | 2014 – Present
- Volunteer & Speaker; Oregon State Bar's Opportunities for Law in Oregon (OLIO) | 2020 - 2022
- Member, Oregon Attorneys with Disabilities Association | 2020 - Present
- Multnomah Bar Association Civil Law Operations Workgroup | 2021
- Employment Law Speaker; Project Koru This is Life Weekend | 2017
- Research Advocate; OHSU Knight Cancer Institute | 2017 – 2018
- Attendee; Oregon State Bar's Opportunities for Law in Oregon (OLIO) | 2015 & 2016
- Certificate; Washington State Investigator Training Advanced | 2012
- Certificate; Washington State Investigator Training Core | 2011

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF YAMHILL

BETH WOOLSEY, GREG WOOLSEY, JEFF  
MCNEAL, KATHLEEN MCNEAL, MEGHAN  
ROGERS-CZARNECKI, STEFAN CZARNECKI,  
and ELIZABETH GEMEROY,

Plaintiffs,

v.

NEWBERG SCHOOL DISTRICT 29J, an  
Oregon public school district, TREVOR  
DEHART, RENEE POWELL, BRIAN  
SHANNON, and DAVE BROWN, individually  
and in their capacity as members of the board of  
directors of Newberg School District 29J,

Defendants.

Case No. 21CV41198

DECLARATION OF ERIN KABUSREITER-  
JONES IN SUPPORT OF PLAINTIFFS'  
STATEMENT FOR ATTORNEY FEES,  
COSTS AND DISBURSEMENTS

*Honorable Cynthia L. Easterday*

I, Erin Kabusreiter-Jones, declare as follows:

1. I am one of the legal assistants at the Law Offices of Judy Snyder and provide litigation support for the three attorneys at the firm. I have worked full time for the Law Offices of Judy Snyder for the past 13 years. My regular duties for our firm include, but are not limited to, courtroom technology and litigation support and integrating the technology with the presentation of the case to the court or jury. I have provided the firm with litigation preparation and support for three trials in the last year, including this case by preparing and presenting technology-based evidence. In addition,

1 through on-the-job training I have developed the skills to work closely with the attorneys in the firm in  
2 case preparation. For example, I assist clients when they are gathering documents to respond to  
3 discovery requests, answering questions regarding the litigation process and coordinating the  
4 attendance of witnesses for trial and at trial.

5 2. I earned my bachelor's degree in Mass Communications from Whitworth University in  
6 2009. A requirement of this degree is an extensive knowledge of the software as well as the  
7 equipment required for pre and post production of video content. I have experience in film production  
8 and spent an internship year with a local production company producing and editing commercials. My  
9 work experience, whether in the film industry or legal profession, has focused solely on supporting the  
10 leaders of any given project. While I provide the law firm with extensive services utilizing a variety of  
11 professional skills, for the purposes of this Motion, my video editing skills and technology presentation  
12 experience is the most relevant.

13 3. My work on this case consisted of preparing the NSD Board Meeting video excerpts,  
14 coordinating the attendance of witnesses, and assisting with the preparation and presentation of the  
15 exhibits at trial. In addition to being in the courtroom throughout the trial, I worked with the attorneys  
16 or contacted witnesses during our lunch recesses and in the evening after court, usually working more  
17 than an eight hour day during the course of the trial

18 4. The Law Office of Judy Snyder routinely bill clients for my services, including for these  
19 specialized technology services, at the rate of \$150.00 an hour. We have on occasion compared my  
20 rate to that of others who provide litigation support. My hourly rate is less than that charged by private  
21 companies in the Pacific Northwest which provide litigation support and less than that charged by many  
22 local law firms for in-house litigation support.

23 5. We have not included for reimbursement any of the time I have worked on this case  
24 providing clerical support or related services which we customarily do not bill to clients as they are  
25 absorbed into our overhead costs. For example, we have not charged for the time I have been  
26 involved in downloading discovery and documents to the electronic case file; nor for my work assisting

1 the attorneys in the drafting and filing of pleadings, nor for the time involved in coordinating the  
2 depositions of our clients, the plaintiffs in this case.

3  
4 **I hereby declare that the above statements are true to the best of my knowledge and**  
5 **belief, and that I understand it is made for use as evidence in court and is subject to penalty for**  
6 **perjury.**

7 DATED this 17<sup>th</sup> day of May, 2024.

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10 ERIN KABUSREITER-JONES

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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DECLARATION OF ERIN KABUSREITER-JONES IN SUPPORT OF PLAINTIFFS' STATEMENT FOR ATTORNEY FEES, COSTS AND DISBURSEMENTS on:

Mr. Daniel E. Thenell  
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*Of Attorneys for Defendants Trevor Dehart, Renee Powell, Brian Shannon, and Dave Brown*

*Of Attorneys for Defendant Newberg School District 29J*

by mailing to said attorney(s) a full and correct copy thereof, contained in a sealed envelope, with postage paid, addressed to said attorney(s) as stated above and deposited in the United States Post Office at Portland, Oregon.

by e-mailing to said attorney(s) a full and correct copy thereof, addressed to said attorney(s) as stated above.

by electronically filing through the Odyssey e-file and e-serve system.

by hand delivering to said attorney(s) a true copy thereof.

by faxing to said attorney (s) a true copy thereof.

by concurrently electronically mailing this documents in Word format to each attorney's last-known e-mail address on the date set forth below.

DATED this 17<sup>th</sup> day of May, 2024.

LAW OFFICES OF JUDY SNYDER

s/Judy Danelle Snyder  
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