

1 BENJAMIN W. BULL  
 Arizona State Bar No. 009940  
 2 GARY S. McCALEB (PHV)  
 Arizona State Bar No. 018848  
 3 ELIZABETH A. MURRAY (PHV)  
 Arizona State Bar No. 022954  
 4 Alliance Defense Fund Law Center  
 15333 N. Pima Rd., Suite 165  
 5 Scottsdale, AZ 85260  
 6 Phone: (480) 444-0020  
 Fax: (480) 444-0028  
 7

8 ROBERT H. TYLER  
 California State Bar No. 179572  
 Alliance Defense Fund Law Center  
 9 38760 Sky Canyon Drive, Suite B  
 10 Murietta, CA 92563  
 Phone: (951) 461-7860  
 11 Fax: (951) 461-9056

12 TERRY L. THOMPSON  
 California State Bar No. 199870  
 13 Law Offices of Terry L. Thompson  
 14 P.O. Box 1346  
 Alamo, CA 94507  
 15 Phone (925) 855-1507  
 16 Fax: (925) 820-6034  
 (designated local counsel)

17  
 18 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION

20 FAITH CENTER CHURCH  
 21 EVANGELISTIC MINISTRIES, et al.,

CASE NO. C-04-3111 JSW

22 Plaintiffs,

**DECLARATION AND ITEMIZED  
 STATEMENT OF ELIZABETH A.  
 MURRAY IN SUPPORT OF PLAINTIFFS'  
 MOTION FOR ATTORNEYS' FEES  
 AND NONTAXABLE EXPENSES**

23 v.

24 FEDERAL D. GLOVER, et al.,

25 Defendants.  
 26  
 27

28 DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES - 1  
 CASE No. C-04-3111 JSW

1           1.       I have been practicing law since September 17, 2003. I am licensed in the States  
2 of Missouri and Arizona, as well as being admitted to the bar of the United States District Court  
3 for the Western District of Missouri, the District of Arizona, and the Western District of  
4 Michigan. Currently, I am a Litigation Staff Attorney with the Alliance Defense Fund (ADF),  
5 a non-profit public interest law firm. In this capacity, I practice in the area of religious  
6 freedom, freedom of expression, civil rights law, and other constitutional issues. I am involved  
7 in all aspects of litigation including court appearances, researching, drafting of briefs and  
8 motions, depositions, and discovery.  
9

10           2.       I have expended 239.9 billable hours in this case, including hours incurred  
11 through May 23, 2005 and hours to prepare the concurrently filed Motion for Attorneys' Fees  
12 and Nontaxable Expenses and supporting documentation. At a billing rate of \$190.00 per hour,  
13 this results in a total amount claimed of \$45,581.00 in attorney's fees.  
14

15           3.       The time commitment required to successfully litigate this case through the  
16 preliminary injunction stage decreased the ability of Plaintiffs' counsel to work on other cases.  
17 At times, Plaintiffs' counsel was required to essentially drop other matters and work primarily  
18 on this case.

19           4.       The following is an itemized statement of the services that I rendered in this case  
20 and the time that I spent performing the services. The itemized statement is based on  
21 contemporaneous time records that I kept as I did the work, using a time keeping database  
22 and/or written records.  
23  
24  
25  
26  
27

<b>Attorney Elizabeth A. Murray (Through May 23, 2005 + Fee Application Time)</b>				
<b>Date</b>	<b>Task</b>	<b>Hours</b>	<b>Adjusted</b>	<b>Notes</b>
8/2/04	Research Est. Clause Cases for PI Memo	7.0	4.0	Duplicative
8/4/04	Draft PI Memo	4.9	4.9	
8/5/04	Draft PI Memo	0.7	0.7	
8/5/04	Discuss Est. Clause claim with J. Carden for PI Motion	0.2	0.2	
8/9/04	Draft PI Memo	6.6	6.6	
8/9/04	Discuss research issue with D. Farney re: proof needed for PI	0.3	0.3	
8/9/04	Discuss PI Motion with J. Carden	0.2	0.2	
8/10/04	Draft PI Memo	7.5	7.5	
8/10/04	Discuss affidavit of H. Hopkins with D. Farney	0.1	0.1	
8/10/04	Discuss affidavit of H. Hopkins with D. Farney and J. Carden	0.2	0.2	
8/11/04	Draft PI Memo	7.3	7.3	
8/11/04	Telephone call with J. Carden re: draft of entanglement prong analysis	0.2	0.2	
8/11/04	Discuss entanglement prong analysis with J. Carden	0.2	0.0	Duplicative
8/11/04	Discuss entanglement prong analysis with J. Tedesco and N. Kellum	0.2	0.2	
8/13/04	Draft PI Memo	4.4	4.4	
8/13/04	Research Est. Clause cases	1.5	1.5	
8/13/04	Research Excessive Entanglement cases	0.8	0.8	
8/14/04	Draft PI Memo	3.6	3.6	
8/14/04	Review Answer	0.1	0.1	
9/7/04	Discuss PI Memo edits with J. Carden	0.5	0.5	
1/8/05	Print key cases for Ps' Reply to Ds' Opp. to PI Motion	0.3	0.3	
1/8/05	Read Ds' Opp. to Ps' PI Motion	1.7	1.7	
1/9/05	Draft Ps' Reply to Ds' Opp. to PI Motion	2.4	2.4	
1/9/05	Read 1 <sup>st</sup> Am. cases and pleadings re: religious activities and worship in fora	4.0	4.0	

DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES - 3  
 CASE NO. C-04-3111 JSW

1	1/9/05	Email M. Magnaghi re: e-filing registration and local rules questions	0.1	0.0	Firm admin.
2	1/9/05	Read pleadings to prepare for PI hearing	2.0	2.0	
3	1/10/05	Draft Ps' Reply to Ds' Opp. to PI Motion	9.7	9.7	
4	1/11/05	Draft Ps' Reply to Ds' Opp. to PI Motion	10.8	10.8	
5	1/12/05	Drafts Ps' Reply to Ds' Opp. to PI Motion	11.1	11.1	
6	1/12/05	Email affidavit to R. Leach	0.1	0.1	
7	1/12/05	Email revised affidavit to R. Leach	0.1	0.1	
8	1/12/05	Discuss with J. Carden the Leach Affidavit and edits to Reply brief	0.3	0.3	
9	1/12/05	Phone message for T. Thompson re: obtaining signature for Leach Affidavit	0.1	0.1	
10	1/12/05	Review facility use applications of Ds and select applications to attach to Leach Affidavit	1.0	1.0	
11	1/12/05	Telephone call with R. Leach re: library mtgs., applications, and affidavit	0.3	0.3	
12	1/12/05	Discuss edits of Reply brief with G. McCaleb	0.5	0.5	
13	1/13/05	Draft and edit Ps' Reply to Ds' Opp. to PI Motion	11.4	11.4	
14	1/13/05	Email M. Magnaghi re: changes in Leach Affidavit	0.1	0.1	
15	1/14/05	Edit Pls' Reply to Ds' Opp. to PI Motion	4.5	4.5	
16	1/14/05	Assist M. Magnaghi in finalizing table of authorities	0.5	0.5	
17	1/14/05	Telephone call with R. Leach re: affidavit	0.2	0.2	
18	1/17/05	Prepare for and draft PI hearing argument	4.0	4.0	
19	1/17/05	Email R. Leach re: affidavit and supporting documents	0.1	0.1	
20	1/17/05	Email from R. Leach re: affidavit	0.1	0.1	
21	1/17/05	Prepare pleadings notebook for PI hearing	1.0	0.5	Clerical
22					
23					
24					
25					
26					
27					

DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES - 4  
 CASE NO. C-04-3111 JSW

1	1/18/05	Prepare for and draft PI hearing argument	6.5	3.0	Duplicative
2	1/18/05	Practice PI hearing argument for 1/18 moot court	0.6	0.6	
3	1/18/05	Review local rules re: e-filing and joint reports	0.3	0.0	Start-up cost
4	1/18/05	Discussion with G. McCaleb re: PI hearing and 2nd chair.	0.2	0.0	Firm admin.
5	1/18/05	Discuss case notebook for PI hearing with M. Magnaghi	0.1	0.1	
6	1/18/05	Email revised case mgt. statement to D. Merida.	0.1	0.1	
7	1/18/05	Edit case mgt. statement	0.5	0.5	
8	1/18/05	Discuss revised case mgt. statement with J. Carden	0.2	0.2	
9	1/18/05	Email J. Carden re: revised case mgt. statement	0.1	0.1	
10	1/18/05	Review email and revised case mgt. statement from D. Merida	0.3	0.3	
11	1/18/05	Telephone call with K. Flanagan re: joint case mgt. statement	0.1	0.1	
12	1/19/05	Review forum analysis cases and draft PI argument	4.6	4.6	
13	1/19/05	Request and instructions to M. Magnaghi re: filing case mgt.	0.2	0.2	
14	1/19/05	Review local rules re: case mgt. statement and e-filing rules	0.4	0.0	Start-up cost
15	1/19/05	Email K. Flanagan re: revised case mgt. statement	0.1	0.1	
16	1/19/05	Review and edit case mgt. statement	0.5	0.5	
17	1/19/05	Discuss changes in case mgt. statement with J. Carden	0.1	0.1	
18	1/19/05	Review email from K. Flanagan re: case mgt. conf. statement	0.1	0.1	
19	1/19/05	Telephone call with J. Lorence re: PI hearing argument	0.2	0.2	
20	1/19/05	Practice argument for PI hearing	0.5	0.5	
21	1/19/05	Moot court with G. McCaleb to prepare for PI hearing	1.7	1.7	
22	1/19/05	Read pleadings to prepare for PI hearing	1.7	1.7	
23	1/19/05	Read pleadings to prepare for PI hearing	1.5	1.5	
24	1/20/05	Read pleadings to prepare for PI hearing	1.5	1.5	

28 DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES – 5  
 CASE NO. C-04-3111 JSW

1	1/20/05	Telephone call with H. Hopkins re: facts	0.8	0.8	
2	1/20/05	Email K. Theriot re: change in travel plans due to order vacating hearing	0.1	0.1	
3	1/20/05	Email K. Theriot re: change in travel plans due to order vacating hearing	0.1	0.0	Duplicative
4	1/20/05	Discuss order vacating hearing with G. McCaleb	0.1	0.1	
5	1/20/05	Discuss order vacating hearing and case mgt. conf. with J. Carden	0.3	0.3	
6	1/20/05	Discuss airline ticket change with D. Farney due to order changing hearing time	0.1	0.1	
7	1/20/05	Discuss airline ticket change with D. Farney due to order changing hearing time	0.1	0.1	
8	1/20/05	Discuss airline ticket change with D. Farney due to order changing hearing time	0.1	0.1	
9	1/21/05	Telephone call with H. Hopkins re: order vacating hearing	0.1	0.1	
10	1/27/05	Email case mgt. conf. details to K. Theriot for him to 2d chair	0.1	0.1	
11	1/27/05	Telephone call with K. Theriot re: case mgt. conf.	0.1	0.1	
12	1/28/05	Travel to case mgt. conf. – not otherwise billed	1.8	1.8	
13	1/28/05	Case mgt. conf.	0.7	0.7	
14	2/15/05	Telephone call to H. Hopkins re: Case Mgt. Conf. and ENE session	0.2	0.2	
15	2/17/05	Telephone call from H. Hopkins re: expenses	0.1	0.1	
16	2/17/05	Telephone call from H. Hopkins re: expenses	0.1	0.1	
17	2/17/05	Discuss damages and litigation expenses with G. McCaleb	0.2	0.2	
18	2/17/05	Telephone call to H. Hopkins; she will call back	0.1	0.1	
19	2/21/05	Leave two phone messages for H. Hopkins re: ENE	0.1	0.1	
20	2/21/05	Draft ENE statement	0.3	0.3	
21	2/22/05	Email from K. Flanagan re: postponement of ENE session	0.1	0.1	
22	2/23/05	Telephone call with H. Hopkins re: ENE session and damages	0.3	0.3	
23	2/23/05	Telephone call with H. Hopkins re: ENE session and damages	0.3	0.3	
24	2/23/05	Leave phone message for K. Flanagan re: continuing ENE	0.1	0.1	
25	2/23/05	Email from K. Flanagan re: proposed dates for ENE	0.1	0.1	
26	2/23/05	Draft Motion and Prop. Order to Extend ENE Deadline	0.5	0.5	
27					

28 DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES – 6  
 CASE NO. C-04-3111 JSW

1	2/23/05	Email proposed Motion and Prop. Order to Extend ENE Deadline to K. Flanagan and D. Merida	0.1	0.1	
2	2/23/05	Email from D. Merida approving Motion and Prop. Order to Extend ENE Deadline	0.1	0.1	
3	2/23/05	E-file Motion and Prop. Order to Extend ENE Deadline	0.2	0.2	
4	2/24/05	Leave phone message for H. Hopkins re: continuance of ENE	0.1	0.1	
5	4/18/05	Initial read of tentative ruling	0.2	0.2	
6	4/18/05	Telephone call to H. Hopkins re: tentative ruling and court date	0.1	0.1	
7	4/18/05	Discuss tentative ruling with J. Carden	0.2	0.2	
8	4/18/05	Discuss tentative ruling with G. McCaleb	0.2	0.2	
9	4/18/05	Email B. Tyler re: availability to 2 <sup>nd</sup> chair at hearing on tentative ruling	0.1	0.1	
10	4/19/05	Telephone call with H. Hopkins re: notice of tentative ruling and hearing	0.2	0.2	
11	4/19/05	Email D. Farney re: travel plans for hearing on tentative ruling	0.1	0.1	
12	4/19/05	Discuss travel plans for hearing on tentative ruling with G. McCaleb	0.1	0.1	
13	4/19/05	Evaluate notice of tentative ruling	0.5	0.5	
14	4/19/05	Read cases cited in tentative ruling	1.0	1.0	
15	4/20/05	Read 1 <sup>st</sup> Am. public fora cases for hearing on tentative ruling	5.0	5.0	
16	4/21/05	Read cases relevant to tentative ruling	3.0	0.0	Duplicative
17	4/21/05	Draft response to tentative ruling	3.0	3.0	
18	4/22/05	Draft response to tentative ruling	7.5	7.5	
19	4/23/05	Draft response to tentative ruling	3.7	3.7	
20	4/25/05	Discuss vagueness issue with J. Lorence for response to tentative ruling	0.2	0.2	
21	4/25/05	Draft response to tentative ruling	9.6	9.6	
22	4/26/05	Draft response to tentative ruling	10.1	10.1	
23	4/27/05	Insert G. McCaleb's changes to response to tentative ruling	2.7	2.7	
24	4/29/05	Edit response to tentative ruling	4.0	4.0	

28 DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES - 7  
 CASE NO. C-04-3111 JSW

1	4/29/05	Review local rules re: filing documents	0.3	0.0	Start-up cost
2	5/2/05	Email C. Adams re: providing info. to H. Hopkins for hearing	0.2	0.2	
3	5/2/05	Edit letter to H. Hopkins re: instructions for hearing	0.5	0.5	
4	5/2/05	Telephone call with T. Thompson re: hearing	0.1	0.1	
5	5/3/05	Review Ds' and Pls' Responses to tentative ruling	0.3	0.3	
6	5/4/05	Telephone call with H. Hopkins and M. Ward re: facts	1.0	1.0	
7	5/7/05	Prepare case notebook for hearing on tentative ruling	2.7	1.0	Clerical
8	5/8/05	Draft argument for hearing on tentative ruling	6.0	6.0	
9	5/9/05	Revise argument for hearing on tentative ruling	1.5	1.5	
10	5/9/05	Practice argument for moot with G. McCaleb and J. Lorence	0.5	0.5	
11	5/9/05	Moot court with G. McCaleb and J. Lorence	0.9	0.9	
12	5/9/05	Draft argument and read pleadings in preparation for hearing on tentative ruling	4.4	4.4	
13	5/10/05	Research bond issue	0.3	0.3	
14	5/10/05	Moot court in preparation for hearing on tentative ruling	1.5	1.5	
15	5/10/05	Research disparate fee issue	0.2	0.2	
16	5/10/05	Edit argument for hearing on tentative ruling	1.3	0.0	Duplicative
17	5/11/05	Telephone call with H. Hopkins re: hearing on tentative ruling	0.3	0.3	
18	5/11/05	Draft responses to potential court questions	3.4	3.4	
19	5/11/05	Read pleadings in preparation for hearing on tentative ruling	4.5	4.5	

28 DECL. & ITEM. STATEMENT OF EAM IN SUPP. OF  
 PLS.' MOT. FOR ATT'Y FEES & NONTAXABLE EXPENSES – 8  
 CASE NO. C-04-3111 JSW

1	5/11/05	Telephone call with T. Thompson re: hearing	0.1	0.1	
2	5/11/05	Read cases re: forum in preparation for hearing on tentative ruling	1.4	1.4	
3					
4	5/11/05	Practice argument in preparation for hearing on tentative ruling	0.3	0.3	
5					
6	5/12/05	Travel to MPI hearing – not otherwise billed	1.8	1.8	
7					
8	5/12/05	Research issues re: further questions submitted by Court	1.5	1.5	
9					
10	5/12/05	Meeting with G. McCaleb re: hearing preparation	0.4	0.4	
11					
12	5/12/05	Draft argument re: further questions submitted by Court	1.0	1.0	
13					
14	05/13/05	Meeting with clients and local counsel T. Thompson re: hearing	0.5	0.5	
15					
16	05/13/05	Hearing on MPI tentative ruling	2.9	2.9	
17					
18	05/13/05	Travel from MPI hearing – not otherwise billed	1.9	1.9	
19					
20	6/3/05	Draft or edit declarations and itemized statements of J. Carden, G. McCaleb, D. Farney, and M. Magnaghi	6.4	6.4	
21					
22	6/4/05	Draft declaration and itemized statement of E. Murray; edit declaration and itemized statement of T. Thompson	5.5	5.5	
23					
24	6/5/05	Draft Mot. for Attorneys' Fees and Nontaxable Expenses and Mem. in Support; edit declarations	9.0	9.0	
25					
26		<b>Total Hours</b>	254.5	239.9	
27					
28					

**DECLARATION UNDER PENALTY OF PERJURY**

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I have read the foregoing Declaration and Itemized Statement and that to the best of my knowledge the facts alleged therein are true and correct.

Executed this 6th day of June, 2005, in Scottsdale, Arizona.

/s/ Elizabeth A. Murray  
Attorney for Plaintiffs