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 (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.,

22 Plaintiffs,

23 v.

24 FEDERAL D. GLOVER, et al.,

25 Defendants.
 26
 27

CASE NO. C-04-3111 JSW

**DECLARATION AND ITEMIZED
 STATEMENT OF GARY S. McCALEB IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR ATTORNEYS' FEES AND
 NONTAXABLE EXPENSES**

1 1. I am a Senior Litigation Staff Attorney with the Alliance Defense Fund (ADF), a
 2 non-profit public interest law firm. In this capacity, I practice almost exclusively in the areas of
 3 civil rights, particularly free speech and religious liberties rights. I practice primarily in federal
 4 court and have either litigated or assisted in litigation in numerous cases in the United States
 5 Supreme Court, circuit courts of appeal, and district courts, including oral arguments in bench
 6 trials. I have also practiced in Arizona and California state courts. I am involved in all aspects
 7 of litigation, including research, drafting and filing briefs, discovery, and oral arguments, as
 8 well as supervising over 11 attorneys and 10 support staff.
 9

10 2. I have expended 15.9 billable hours in this case through May 23, 2005. At a
 11 billing rate of \$280.00 per hour, this results in a total amount claimed of \$4,452.00 in attorney's
 12 fees.

13 3. The following is an itemized statement of the services that I rendered in this case
 14 and the time that I spent performing the services. The itemized statement is based on
 15 contemporaneous time records that I kept as I did the work, using a time keeping database
 16 and/or written records.
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| Attorney Gary S. McCaleb (Through May 23, 2005) | | | | |
|--|--|--------------|-----------------|--------------|
| Date | Task | Hours | Adjusted | Notes |
| 1/12/05 | Draft P&A Memo – MPI Reply; edit E. Murray's final draft | 2.7 | 2.7 | |
| 1/14/05 | Draft Reply for PI; final edits to E. Murray's brief | 2.1 | 2.1 | |
| 5/9/05 | Court preparation: prepare for E. Murray's moot court | 1.7 | 1.7 | |
| 5/9/05 | Court preparation: moot court for E. Murray | 0.9 | 0.9 | |
| 5/10/05 | Court preparation: moot court for E. Murray | 1.0 | 1.0 | |

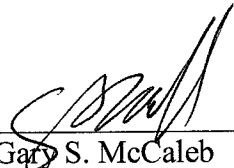
| | | | | | |
|---|----------|--|------|------|--|
| 1 | 5/12/05 | Travel to MPI hearing – not otherwise billed | 1.8 | 1.8 | |
| 2 | 5/12/05 | Meeting with E. Murray re: hearing preparation | 0.4 | 0.4 | |
| 3 | | | | | |
| 4 | 05/13/05 | Meeting with clients and local counsel T. Thompson re: hearing | 0.5 | 0.5 | |
| 5 | 05/13/05 | Travel from MPI hearing – not otherwise billed | 1.9 | 1.9 | |
| 6 | 05/13/05 | Hearing on MPI tentative ruling – 2d chair to E. Murray | 2.9 | 2.9 | |
| 7 | | | | | |
| 8 | | Total Hours | 15.9 | 15.9 | |

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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.



Gary S. McCaleb
Attorney for Plaintiff

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