

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

STEPHANIE BIEDIGER, KAYLA LAWLER)
 ERIN OVERDEVEST, and KRISTEN)
 CORINALDESI, individually and on)
 behalf of those similarly situated;))
 LESLEY RIKER on behalf of her minor))
 daughter, LOGAN RIKER, individually))
 and on behalf of all those))
 similarly situated; and))
 ROBIN SPARKS, individually,))
))
 Plaintiffs.))
))
 v.))
))
 QUINNIPIAC UNIVERSITY;))
))
 Defendant.))

Case No. 3:09-CV-00621
(SRU)

DECLARATION OF
KRISTEN GALLES IN SUPPORT
OF APPLICATION FOR
ATTORNEYS' FEES AND
EXPENSES

I, Kristen Galles, hereby state and declare as follows:

1. I am over the age of 18 and am competent to testify about the matters set forth herein.

2 I am one of the attorneys for Plaintiffs in the above-captioned case. I was admitted to this Court pro hac vice so that I could participate in this case. I am admitted to the state bars of California, Virginia, Nebraska, and the District of Columbia. I also am admitted to the federal bars of many United States District Courts, United States Courts of Appeals (including the Second Circuit), and the United States Supreme Court.

3. I make this declaration in support of Plaintiffs' application for an award of attorneys' fees, which was filed with this Court on August 4, 2010 (Docket Entry 181).

4. Although based in the Washington, DC area, I maintain a national law practice that focuses on gender equity and Title IX education, advocacy, and litigation. I began this practice on a pro bono basis in 1993-1994 while I was a litigation attorney at a national law firm's Washington, D.C, office. In 1996 I started my own firm to further develop and focus on this practice area. Since that time I have lectured and litigated Title IX cases nationwide. In addition to serving as lead counsel on many Title IX class action cases, I have served as advisory counsel (not counsel of record) on many more. A resume with my relevant experience is attached hereto at Exhibit A.

5. I have litigated several Title IX cases with the United States Department of Justice, including cases in which the United States was a party, intervenor, and/or amicus. This experience was helpful in further developing the expertise necessary to litigate this case and in obtaining an amicus brief from the United States.

6. My background as an athlete, coach, official, and administrator has been invaluable to my ability to litigate athletics cases. This experience enables me to understand the NCAA rules, the forms and information kept by athletic departments, and the overall means of running an intercollegiate athletic department. I try to keep my athletic knowledge up to date by retaining memberships in and providing advice to various athletic and coaching groups.

7. There are very few attorneys who have experience litigating Title IX athletics cases. Because of the inherently

sex segregated nature of athletics, it is important that the attorneys who litigate Title IX athletics claims understand the different legal theories - theories that are different from any other type of civil rights case.

9. I believe that it was reasonable and necessary for Plaintiffs in this action to look for experienced Title IX counsel to represent them, because this case involved unique issues and new schemes by the defendant to appear to be in compliance with the requirements of the law. It was reasonable and necessary for them to hire counsel who understand the theories behind the law and who know how college athletics programs operate.

10. I was contacted by some of the named Plaintiffs in this case in March, 2009, after Defendant Quinnipiac University announced its elimination of the varsity women's volleyball program. After interviewing some of the named plaintiffs, reviewing documents and other background information about Quinnipiac University, and investigating the legal and factual issues in this case, I agreed to represent Plaintiffs or to provide assistance to Connecticut counsel.

11. Shortly thereafter, I contacted the only attorney I knew in Connecticut who has Title IX experience. I had litigated high school Title IX cases in Connecticut with her in the 1990s. Her schedule did not allow her to take on new work.

12. I have worked with the ACLU National's Women's Law Project on several matters related to women's rights. I also have worked with individual ACLU attorneys and affiliates on Title IX

cases. I asked ACLU WLP if they were aware of any Connecticut lawyers with Title IX experience. They put me in contact with the ACLU's Connecticut affiliate to see if it could take the case or help find Connecticut counsel.

14. Jonathan Orleans of Pullman & Comley expressed interest in the case. Because he did not have Title IX experience and I do, we agreed to meet with the clients together. Thereafter, it was decided that we would jointly litigate the case. As set forth above, I believe that it was important that a lawyer with Title IX and athletic experience be part of the litigation team. Thus, I believe that it was reasonable and necessary for Plaintiffs to retain me to participate in the case even though I reside outside the area and had to travel to participate at hearings and trial.

15. Pullman & Comley and I diligently tried to efficiently divide the work involved in this case so that there would be little duplication of effort. In particular, I had primary responsibility for matters related to the law, expert witnesses, and the type of evidence necessary to prove Title IX claims. Pullman & Comley focused on working with defense counsel, discovery, procedural matters, and non-expert witnesses. Because of this division of labor, there was minimal overlap in work load. I believe that the minimal overlap that does exist was integral to the prosecution of the case because it involved joining our different work (e.g., providing my input on Title IX and athletics to Mr. Orleans before he propounded discovery) or strategizing on important issues that required mutual input.

16. Plaintiffs filed their complaint and motion for temporary restraining order and preliminary injunction in April, 2009. After a month of extensive exchanges of discovery and preparation, the parties conducted the depositions of fact witnesses in April and May, 2009, and conducted a de bene esse deposition of Plaintiffs' primary expert witness in early May, 2009.

17. The Court held an evidentiary preliminary injunction hearing over several days in May, 2009. The Court entered a preliminary injunction in favor of Plaintiffs on May 22, 2009.

18. After entry of the preliminary injunction, the parties unsuccessfully explored settlement. After status conferences and scheduling motions, the Court set an expedited discovery and trial schedule.

19. In December, 2009, Plaintiffs filed an amended complaint which added three additional Title IX claims, alleging that (a) Defendant discriminates against female students in the allocation of athletic scholarship funds; (b) Defendant discriminates in the allocation of varsity benefits between male and female athletes; and (c) Defendant retaliated against Plaintiffs for bringing this case.

20. On or about February 1, 2010, Plaintiffs filed a motion for class certification in order to represent the ongoing interests of all current, prospective, and future female athletes at Quinnipiac University. The Court granted class certification in an order dated May 20, 2010.

21. The parties devoted a great deal of time to fact and expert discovery throughout 2010 up to the eve of trial.

22. Due to the expedited nature of the case, the parties agreed to try the first claim - alleging discrimination in the allocation of athletic participation opportunities - before the others. The parties also agreed to bifurcate the trial on the first claim to conduct the liability and injunction stage as a bench trial and the damages stage at a later jury trial.

23. The Court conducted the trial on the first claim the week of June 21, 2010. It entered an order, opinion, and injunction in favor of Plaintiffs on July 22, 2010.

24. As prevailing parties in the above-described litigation, Plaintiffs are entitled to attorneys' fees and expenses under 42 U.S.C. §1988.

25. Plaintiffs' attorneys have not yet received any compensation for their work or expenses in this case. Because Plaintiffs are college students without incomes, they could not pay for counsel. Accordingly, Plaintiffs' counsel accepted the case on a semi-contingency basis, meaning that we would wait to be compensated through 42 U.S.C. 1988 upon prevailing in the case. Had Plaintiffs not prevailed, counsel would have received no fees. Thus, Plaintiffs' counsel endured substantial risk in taking on this case.

26. I seek compensation for 1048.3 hours of time spent on the preparation and prosecution of this case. These hours are supported by the time sheets at Exhibit B. The time sheets do not include all of the time actually spent on the case, because I

edited some time out and I failed to fully record all of the time I actually spent on the case. I excluded some time that I spent reviewing materials or performing tasks that were not directly related to my primary areas of responsibility. I did not record any time related to the many hours spent on press and public relations, despite the high media interest and importance of this case. I only seek compensation for the time submitted here.

27. The customary hourly rate for attorneys of my experience in the Washington, D.C. area where I practice is \$475.00.

28. This hourly rate is based upon the "Laffey Index" published annually by the United States Attorneys' Office for the District of Columbia. See Exhibit C hereto. Notably, this rate is less than the "Adjusted Laffey Index" sometimes applied by courts in civil rights and employment discrimination cases. The "Adjusted Laffey" rate for an attorney of my experience is \$709 per hour. See Exhibit C.

29. I request compensation based upon the Laffey Index, because all of my cases are civil rights cases in which I only receive compensation when the plaintiffs prevail. I do not bill clients an hourly rate specific to my firm. I believe that the Laffey Index rate is significantly less than the rate that my former law firms would currently bill for my work if I were still in commercial practice. Thus, I believe that the Laffey Index hourly rate is more than reasonable for this case, especially given the fact that Defendant obtained New York City counsel.

30. In addition to attorneys' fees, I seek reimbursement for travel expenses in the total amount of \$4,772.58 as summarized at Exhibit D. The travel expenses are the actual amounts already paid by me at the time incurred.

31. All of the travel expenses were reasonably and necessarily incurred in the successful prosecution of this case. I divided work with Pullman & Comley so that after the initial client meeting, I only traveled to matters involving experts, the preliminary injunction hearing, and the trial. I did my best to keep costs low by driving my own vehicle to Connecticut (rather than flying and renting a car) and by staying at reasonably priced motels available in the area. As set forth above, I believe that it was necessary for Plaintiffs to retain counsel with Title IX and athletic experience, even if such counsel lived outside Connecticut - thus necessitating travel.

32. I also seek reimbursement for expenses directly and reasonably incurred in this case in the amount of \$6848.28 as summarized at Exhibit E. The expenses were necessarily incurred in the prosecution of this case and are based upon actual cost with no mark-up. Copy costs represent actual cost by outside vendors or 15 cents per page if copied internally. I made a concerted effort to keep costs down by converting most documents to electronic records. However, it was necessary to make a substantial number of copies and evidence books for review by expert and consulting witnesses.

33. Although I advanced all expert witness and consulting fees, I seek reimbursement only for the statutorily allowed \$40 witness fee for attendance at deposition or trial

FINAL REQUESTED FEES & EXPENSES

34. My legal background and experience are set forth at Exhibit A.

35. I seek fees for 1048.3 hours of work, although I expended more. See Exhibit B.

36. I seek compensation at the Laffey Index rate of \$475 per hour. Exhibit C. The lodestar compensation calculates to \$497,942.5.

37. I seek reimbursement of travel expenses in the amount of \$4774.58. Exhibit D.

38. I seek reimbursement of other direct expenses in the amount of \$6848.28. See Exhibit E.

I swear under penalty of perjury that the foregoing is true and correct. Executed this 15th day of October, 2010, at Alexandria, Virginia.

A handwritten signature in cursive script that reads "Kristen Galles". The signature is written in black ink and is positioned to the right of the typed name.

Kristen Galles