

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES OBERGEFELL and
JOHN ARTHUR,

Plaintiffs,

vs.

JOHN KASICH, et al,

Defendants.

: Case No. 1:13-cv-501

:

: Judge Timothy S. Black

:

: DECLARATION OF ALPHONSE A
: GERHARDSTEIN IN SUPPORT
: OF REQUEST FOR ATTORNEY
: FEES

:

:

I, Alphonse A. Gerhardstein, pursuant to 28 U.S.C. §1746, declare under the penalty of perjury that the following is true and correct.

1. I was the lead attorney on this case for Plaintiffs John Arthur, James Obergefell, David Brian Michener, and Robert Grunn.
2. The work done by Ms. Gonzalez Martin, my staff, and me, was necessary work on the case. The staff who worked this case include law clerks, paralegals, associate attorney, and law graduates. Based on my background, experience and skill, the hours requested in the fee application for Gerhardstein & Branch attorneys and staff have been necessarily expended.
3. The fees requested comport with and are reasonable in light of the factors contained in Ohio Rules of Professional Conduct 1.5 insofar as they accurately reflect the time and labor required in the prosecution of this matter, the difficulty of the questions involved, the skill required to perform the work properly, comport with the fees customarily charged by others for similar legal services, and are appropriate in light of the results obtained.

4. I am a graduate of the New York University School of Law and have been admitted to practice in Ohio and the federal courts since 1976. I was admitted to practice before the U.S. Supreme Court in 1984. For the past 37 years, most of my practice has been concentrated in civil rights litigation. I have been counsel or co-counsel on hundreds of civil rights cases filed in the state and federal courts. (See Gerhardstein curriculum vitae attached as Exhibit 1). I have significant experience in many areas of civil rights including police misconduct, employment discrimination, reproductive rights and GLBT rights, including:

Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005) affirmed \$320,000 verdict for transsexual police officer discriminated against in demotion from sergeant. Attorney fees and multiplier award upheld on appeal.

Equality Foundation v. City of Cincinnati, 54 F. 3d 261 (6th Cir. 1995) (constitutional challenge to anti-gay City Charter amendment) cert. granted, vacated and remanded, 116 S.Ct. 2519 (1996); 128 F. 3d 289 (6th Cir. 1997) (on remand from the U.S. Supreme Court), cert. denied 525 U.S. 943 (1997).

Greenwood v. Taft, Stettinius & Hollister, 1995 WL 540221 (Ohio App. 1 Dist. 1995) (challenge to discharge and disclosure of private information about gay attorney).

Glover v. Williamsburg School District, 20 F.Supp.2d 1160 (S.D. Oh. 1998), damage verdict and reinstatement ordered for gay teacher discharged from school

5. My efforts to maintain my expertise in civil rights litigation include service as a frequent presenter at seminars on civil rights and employment law topics. From 1989 - 1992, I served as an adjunct professor at Chase College of Law teaching civil rights litigation. I am the author of two law review articles, False Teeth? Thornburgh's Claim that Turner's Standard for Determining a Prisoner's First Amendment Rights Is Not "Toothless", 17 Northern Kentucky Law Rev. 527 (1990), and A Practitioner's Guide to Successful Jury Trials on Behalf of Prisoner-Plaintiffs, 24 Pace Law Review

691 (2004). See also, “PLRA Can Affect Private Practitioner’s Ability to Represent Inmates,” February/March 2002 *Correctional Law Reporter* 68; “Private Prison Litigation: The ‘Youngstown Case and Theories of Liability,” December/January 2000 *Correctional Law Reporter*, 51. My work has been cited in national publications. See e.g., “Juries Turning Sour Toward Police,” *National Law Journal* (July 2, 2002, p. A-1).

6. My professional service also focuses on civil rights. I have served as a member of the Ohio State Board of Directors of the American Civil Liberties Union, elected as an at-large member on a statewide ballot. I have also served on several bar association civil rights and employment law committees and I am a member of the National Employment Lawyers Association. In the vast majority of my cases, including this case, my fee is contingent or dependent on success.
7. When I have hourly work my rate is based on a sliding scale based in large part on the ability of the client to pay.
8. In the vast majority of my cases, including this case, our fee is contingent or dependent on success.
9. My billing rate was \$400 per hour from January 2007 until April 2012. It increased to \$450 in April 2012. My firm has settled cases at these rates, had clients pay us at these rates, and been awarded fees at the \$400 rate.
10. The rates for the paralegals are \$100 per hour. Law graduates are people who graduated from law school but have not passed the Ohio bar exam or who are employed as non-lawyers. The law graduate rate is \$130 per hour. Law clerks are billed at \$85 per hour.

9. I exercised billing judgment at the time the work was recorded and did not record every short assignment, email, conversation, or phone call. I have reviewed each time entry and made a good faith effort to exclude hours that are excessive, redundant, or otherwise unnecessary. Thus, compensation is not sought for all the work performed. All staff are instructed to exercise billing judgment at the time the work is recorded and are supervised by me in this regard. Not all time worked on the case has been billed. All time is entered on the case contemporaneous with the work done.
10. Plaintiff requests fees for work done by Gerhardstein & Branch on the case as shown in Exhibit 2.
11. Plaintiff also requests expenses of \$11,323.90 as documented on last page of Exhibit 2. Receipts and other proof of expenses are available on request.

/s/ Alphonse A. Gerhardstein

Date: February 6, 2014

ALPHONSE A. GERHARDSTEIN
GERHARDSTEIN & BRANCH CO. LPA
432 Walnut Street Suite 400
Cincinnati, Ohio 45202
(513) 621-9100
Fax: (513) 345-5543
email: agerhardstein@gbfirm.com
www.gbfirm.com

I. PROFESSIONAL EXPERIENCE

GERHARDSTEIN & BRANCH CO. LPA

This is a private, public interest law practice which focuses on civil rights including age, race, sex, sexual orientation, and disability discrimination in housing and employment, prisoner rights, police misconduct and reproductive health issues.

1978 - Present

LEGAL AID SOCIETY OF CINCINNATI

Reginald Heber Smith Fellow. 1976-1978

II. ADMISSIONS

Supreme Court of Ohio

Supreme Court of Minnesota

United States Supreme Court

United States Sixth Circuit Court of Appeals

United States District Court, Southern District of Ohio

United States District Court, Northern District of Ohio

III. EDUCATION

BELOIT COLLEGE, Beloit, Wisconsin,
B.A. Degree, 1973. Major: Government

NEW YORK UNIVERSITY SCHOOL OF LAW,

New York, New York. J.D. 1976

Root-Tilden Public Interest Law Scholarship

IV. TEACHING

*ADJUNCT PROFESSOR - CHASE LAW SCHOOL,
NORTHERN KENTUCKY UNIVERSITY*

Courses:

Civil Rights Litigation 1988 - 1992

Prisoner Rights 1989

ADJUNCT PROFESSOR - UNIVERSITY OF CINCINNATI

Social Work and the Law. 1978-1979

V. **RECOGNITIONS**

- 2010 – Courage Award, Ohio Association for Justice
- 2008 – The Diamond Award for Leadership, Service and Support, Planned Parenthood Southwest Ohio Region
- 2008 – Jewish National Fund/Judge Carl B. Rubin Legal Society Attorney of the Year
- 2007 – President’s Award, for dedication to community service, civil rights, and to the Sentinels Police Association’s Mission, Sentinel Police Association
- 2005 – Martin Luther King Spirit Award Baptist Minister’s Conference, Health Alliance of Cincinnati, UC Medical Center
- 2003 – Charles P. Taft Civic Gumption Award, Charter Party of Cincinnati
- 2002 – Wright-Overstreet Award for Community Service, NAACP Cincinnati Chapter
- 2001 – Outstanding Achievement Award, Cincinnati Women’s Political Caucus
- 2001 – Outstanding Service Award for Representing Indigent Parties in Civil Cases in United States District Court, Federal Bar Association
- 1999 – “Champions of Choice” Leadership Award, Ohio NARAL
- 1999 – “Steward for Choice” Award, Planned Parenthood of Southwest Ohio and Northern Kentucky
- 1998 – Community Service Award, Stonewall Cincinnati
- 1997 – Firm recognized for defense of Civil Liberties, ACLU, Cincinnati Chapter
- 1996 – Human Rights to Prisoners Award - Justice Watch
- 1996 – Outstanding Service Award as Mediator in the United States District Court, Federal Bar Association
- 1996 – Outstanding Service Award for Representing Indigent Parties in Civil Cases in United States District Court, Federal Bar Association
- 1995 – Andrew B. Dennison Courageous Advocate Award
Potter Stewart Inn of Court
- 1994 – President’s Award, for dedication to community service, civil rights, and to the Sentinels Police Association’s Mission, Sentinel Police Association

VI. MEDIATION

Frequent mediator for Equal Employment Opportunity Commission, United States District Court and private parties.

VII. CIVIL RIGHTS ACTIVITIES

A. Civil Rights - Publications

“Can Effective Apology Emerge Through Litigation?” 72 Duke University School of Law, Law and Contemporary Problems No. 2, Spring 2009

“Leveraging Maximum Reform While Enforcing Minimum Standards,” XXXVI Fordham Urban Law Journal No. 1, January 2009

“A Practitioner’s Guide to Successful Jury Trials on Behalf of Prisoner-Plaintiffs” 24 Pace Law Rev. No. 2 Spring 2004

“PLRA Can Affect Private Practitioner’s Ability to Represent Inmates” XIII Correctional Law Reporter 66 (Feb/Mar 2002)

“Private Prison Litigation: The Youngstown Case and Theories of Liability” XI Correctional Law Reporter 51 (Dec/Jan 2000)

Contributing Author, Chapter 247, “Civil Rights,” Ohio Jury Instructions (1994)

Gerhardstein, False Teeth? Thornburgh's Claim That Turner's Standard for Determining a Prisoner's First Amendment Rights Is Not "Toothless"
17 NK L. Rev. 527 (1990)

Various guest columns in Cincinnati Enquirer, and civil rights newsletters.

B. Civil Rights – Presentations & Seminars

June, 2011 – National Business Institute, “Handling the Police Liability Claim,” CLE presenter, Cincinnati, Ohio

March, 2011 – “Making a Buck While Making a Difference,” – Tips for Plaintiffs, 29th Annual Georgetown Law, Section 1983: Civil Rights Litigation

March, 2011 – University of Cincinnati School of Law, Presentation on civil rights practice hosted by ACLU

March, 2011 – Wise Temple Cincinnati, Ohio – Panel presentation on Juvenile Justice in Ohio

April, 2010 – Freedom Center, Cincinnati, Ohio – Panel on Hate Crimes

May, 2012 – Ohio Association for Justice, Columbus, Ohio, “The Section 1983 Claim and Recovering Attorney Fees”

October, 2009 – Federal Bench/Bar Conference Columbus, Ohio, “Section 1983 Plaintiff Update”

March, 2007 – Vanderbilt School of Law, Nashville, TN, “A Life of Causes, Not Cases”

2008 – National Association for Civilian Oversight of Law Enforcement, Panel Speaker on Cincinnati Collaborative

Visiting Practitioner, New York University
School of Law, annual lecture on civil rights practice,
(1986 - 1999)

CLE faculty, Ohio State Bar Association:

Annual Midwest Labor and Employment Law Seminar

2005 – Plenary presentation on Rights of Whistleblowers

2004 – Break out session on §1983 claims in Employment

1999 – Break out session on Evidentiary Issues in Employment Cases

1998 – Break out session on Privacy in Workplace

“§1983 Civil Rights Litigation” (1999, 2000) (Course Planner)

“Legal Rights of Pregnant Minors” (1997)

(Cleveland) (Course Planner)

“Prisoner Rights” (1998) (Course Planner)

“Employment Law for the General Practitioner” (1993 - 1999)

(Cleveland and Cincinnati)

EEO Basics, 1999 (Columbus)

Kentucky Academy of Trial Lawyers

2004 Intro §1983 litigation

Professional Education Systems Institute

2004 Police Liability seminar, Columbus and Cleveland

Lorman Education Services

2004 Use of Force in Ohio

Hamilton County Democratic Forum, Panel, Justice for All, Forum on Parole and Probation, February, 2002

Symposium on the History of the Federal Court in the Southern District of Ohio, 2/9/04, Dayton Ohio, Panel Discussion of police reform litigation

National League of Cities, 2003 – Presentation on “Cincinnati: A Collaborative Approach to Community Policing”

ABA Section on Alternative Dispute Resolution, Insight for Inspired Practice, Collaborative on Police-Community Relations, San Antonio Texas, March, 2003

Faculty, National Workshop on Privatization, U.S. Department of Justice, Office of Justice Programs, Corrections Programs Office, Philadelphia, PA. June 1999.

Topics:

Prison Privatization:

Responsibility and Accountability:

Ensuring and Implementing Legal Safeguards

The Future of Privatization as Seen by the Litigators

Faculty, Prison Privatization Workshop, University of Minnesota Law School, March, 1999:

Topics:

Prison Privatization and Correctional Policy Process

Managing Prison Privatization

Legal and Legislative Issues

“Municipal Liability Under §1983”, Police Misconduct Seminar, Professional Education Systems (1999, 2002, 2002) (Columbus and Cleveland)

Conference Speaker, Probation Officers Association of Ontario, Canada: “Private Prisons, Private Justice, Public Service,” (Niagara Falls, Ontario 1999)

Speaker, “Private Prisons”, forums sponsored by the Ontario Public Service Employees Union, Toronto, Canada (1999).

“Recent Developments in Gay Rights Issues”, Civil Rights Litigation in 1999, Cincinnati Bar Association

Presenter, “Private Prisons”, Center On Crime, Communities and Culture Briefing, New York City, 1998

Speaker, “Members of the Jury,” ACLU of Youngstown, Ohio (1998)

“Prison Litigation Reform Act”, Civil Rights Seminar, Cincinnati Bar Association, 1998

“Jury Selection”, 1997 Federal Bench/Bar Conference, Columbus, Ohio

“Abortion Litigation Update”, 1995 Planned Parenthood Federation of America, Midwest Regional Conference, St. Louis, Mo.

Visiting faculty, Cincinnati Police Academy, Affirmative action, (1992 - 1997)

Opera Rap, Debate on Death Penalty (2002) (Cincinnati Opera) (In connection with *Dead Man Walking*)

Regular presenter at Civil Rights Committee Seminars, Cincinnati Bar Association

Frequent speaker at churches, banquets and meetings of professional and general audiences on civil rights topics, including appearances on CBS, NBC, and NPR news programs.

C. Civil Rights - Professional

1. Memberships:

Editorial Board, Correctional Law Reporter, 1999 - present

The Potter Stewart American Inn of Court

Master of the Bench, (1984 - present); Emeritus (1988 - present)

National Lawyers Guild (through 2000)

American Civil Liberties Union

National Employment Lawyers Association

Cincinnati Bar Association

Ohio State Bar Association

2. Activities:

Founder, Ohio Justice and Policy Center (formerly Prison Reform Advocacy Center), President 1997 – 2010; Board 1997 – present

(non-profit organization advocating for reforms in prison health care, reentry, offering assistance on prison litigation, and promoting restorative justice)

Judicial Advisory Commission For the Northern District of Ohio 2009 – present
(Appointed by United States Senator Sherrod Brown to serve on the Commission that reviews and interviews candidates for open positions on the United States District Court for the Northern District of Ohio)

Ohio Association for Justice Board Member 2007 - present

Cincinnati Civilian Police Review Panel. Principal author of ordinance establishing civilian review board following service as counsel to NAACP, Urban League, Baptist Minister's Conference and other community groups in mediation with City of Cincinnati conducted by the United States Department of Justice. (1998)

Circuit Secretary, Sixth Judicial Circuit, NYU School of Law Root Tilden Kern Program 1997-2000

Selection Committee, Soros Justice Fellowship Program, Center on Crime, Communities and Culture (New York City)(1997 – 1999)

Glenmore Justice Institute, 1999, Invited Participant

D. Civil Rights - Litigation

Federal and state court litigation in the areas of employment discrimination, disability law, Affirmative action, police brutality, prisoner rights, abortion rights, first amendment rights and other civil rights, including:

PRISON/POLICE

Baker v. Union Twp., Ohio, 2013 WL 4502736 (S.D. OH 2013). Excessive force based on use of taser on fleeing suspect. Suspect was tased in the back and fell down a flight of stairs suffering serious and permanent injuries, including a fractured neck, injuries to his vertebrae, and a brain bleed.

McConnell v. Butler County, Ohio, 2013 WL 4482411 (S.D. OH 2013). Death of jail inmate from opiate withdrawal.

Peabody v. Perry Twp., Ohio, 2013 WL 1327026 (S.D. OH 2013). Excessive force based on use of taser on suspect fleeing from property crime, fell from elevated surface and has permanent brain injury. Settlement of \$2,225,000.

Parrish v. City of Mason, 2013 WL 1190022 (S.D. OH 2013). Excessive forced based on use of taser on a suspect multiple times in less than two minutes.

McCullum v. Tepe, 693 F.3d 696 (6th Cir. 2012). Estate of 19 year old jail detainee sued for failure to treat mental health needs, which led to his suicide. Settlement for \$300,000.

Patrizi v. Huff, 690 F.3d 696 (6th Cir. 2012). Summary judgment denied on claims of Fourth Amendment violation, malicious prosecution, and false arrest stemming from a criminal defense attorney's involvement at a nightclub scene.

Padula v. Trumbull County Ohio, 2012 WL 3260231 (N.D. OH 2012). Death of jail inmate from alcohol withdrawal.

Marcum v. Scioto County, Ohio, 2012 WL 2674303 (S.D. OH 2012). Jail policies, practices, customs and usages were moving force behind decedent's death from an asthma attack and defendants were deliberately indifferent to decedent's serious medical needs.

Nall v. City of Painesville, 2012 WL 1658623 (N.D. OH 2012). Heart arrest and brain injury following taser use during arrest for alleged disorderly conflict.

Brinson v. University Hospital, 2011 WL 2492960 (S.D. OH 2011). Challenge to death of civilly committed psych patient following use of force and taser deployment. Settlement of \$638,000.

Cooper v. Ernst, 2011 WL 1898942 (S.D. OH 2011). Excessive force based on officer's release of police dog from a leash.

D.D. v. Washington County, Ohio, 2011 WL 830761 (S.D. OH 2011). Certification of class in challenge to conditions of confinement in juvenile facility.

Gray v. Village of Middleport, S.D. OH, Case No. 2:09-cv-838. Excessive force based on shooting of plaintiff following high speed chase. Settled for \$450,000.

Thomas v. Village of Middleport, S.D. OH, Case No. 2:10-cv-139. Excessive force on arrest and due process challenge to Mayor's Court. Settled with \$100,000 payment and consent decree reforming Mayor's Court.

Cockrell v. City of Cincinnati, 2010 WL 4918725 (S.D. OH 2010). Challenge to Cincinnati taser policy permitting use against persons fleeing from minor crimes.

Hernandez v. Wilkinson, 2010 WL 4026386 (N.D. OH 2010). Class action settlement reviewed and where appropriate, corrected sentences of thousands of offenders sentenced to post release control in Ohio.

Allen v. Collins, 2010 WL 3075186 (N.D. OH 2010). Due process challenge by inmates to procedures used by Ohio parole board.

Maynard v. Jackson County, Ohio, 706 F. Supp. 2d 817 (S.D. OH 2010). Excessive force due to roadblock causing plaintiff to crash.

Meyers v. McNichols, 2010 WL 348311 (S.D. OH 2010). Jury verdict in favor of inmate attached by other inmates, defendant sergeant failed to protect.

Lowe v. Cuyahoga County Board of Commissioners et al., N.D. OH, Case No. 1:08-cv-1339. Death of inmate due to Xanax withdrawal. Settled for \$4 million.

Rush v. City of Mansfield, 2009 WL 454347 (N.D. OH 2009). Challenge to SWAT raid on family for service of warrant for property resulting in shooting death of resident.

Knox v. City of Blue Ash, 2009 WL 3210346 (S.D. OH 2009). Challenge by estate of suspect killed by police after high speed chase.

Fussell et al v. Wilkinson, 2009 WL 3010850 (S.D. Ohio 2009). Class action settlement dramatically upgraded prison health for all adult Ohio prisoners.

Jennings v. City of Lima, N.D. OH, Case No. 3:08-cv-01868. Challenge to SWAT raid resulting in death of mom holding child and injury to child. Settled for \$2.5 million.

Trevino v. Jones, S.D. OH, Case No. 1:08-cv-00339. Arrest of undocumented worker without probable cause. Settled for \$100,000.

Green v. Taylor, 239 F. App'x 952 (6th Cir. 2007). Death of teenager shot following chase. Settled for \$1 million.

Fossyl v. Watson, 2007 WL 6960326 (S.D. OH 2007). Cover up of murder and civil suit for wrongful death against the murderers. Settlement with County; \$1 million verdict against the murderers.

SH v. Taft, 2007 WL 1989753 (S.D. OH 2007). Statewide class action challenging conditions of confinement in juvenile facilities run by Ohio Dept. Youth Services. Settled with stipulation and monitoring.

Watkins v. Collins, 111 Ohio St.3d 425 (2006). Habeas corpus denied to twelve inmates who claimed that they had been improperly placed on post release control.

Leis v. American Civil Liberties Union Foundation of Ohio, Inc., 2006 WL 2345797 (S.D. OH 2006). Effort by local sheriff patrolling in City limits to avoid compliance with police reforms under consent decree with City.

Butler v. City of Middleport, S.D. OH, Case No. 2:04-cv-00834(with Attorney Richard Lewis, Jackson, Ohio). Suicide of two young men in jail. Settled for \$525,000 and memorial. 2006.

Kammeyer v. City of Sharonville, 311 F. Supp. 2d 653 (S.D. OH 2003). Action by adult children of murder victims against police who covered up evidence that would have resulted in prompt prosecution of murderer.

Samples v. Logan County, Ohio, 2006 WL 1793250 (S.D. OH 2006). Civil rights and wrongful death case based on death of inmate due to alcohol withdrawal.

Green v. Bowles, 361 F.3d 290 (6th Cir. 2004). Failure to protect transsexual inmate from attack by other inmate.

Nutter v. Kelly, S.D. OH, Case No. C3-01-214. Suicide in Clark County Jail. Settled \$270,000 and memorial. 2004.

Green v. City of Cleveland, et al., N.D. OH, Case No. 1:03-cv-906 (with attorney Barry Scheck, NYC). Civil rights case by man exonerated with DNA evidence after serving 13 years in prison on the wrongful conviction. Settlement of wrongful incarceration and civil claims for millions in damages and a forensic audit of the Cleveland forensic lab.

Thomas v. Woolum, 337 F.3d 720 (6th Cir. 2003). Inmate beaten by officer. PLRA exhaustion satisfied even if procedure of grievance system not followed; must use grievance to give notice to potential defendants.

Leisure v. City of Cincinnati, 267 F. Supp. 2d 848 (S.D. OH 2003)(with attorneys Scott Greenwood and Kenneth Lawson) Action by family of unarmed citizen shot and killed by Cincinnati Police.

In re Cincinnati Policing, 209 F.R.D. 395 (S.D. OH. 2002). Class action settlement of racial profiling lawsuit establishing reforms on use of force, fairness in policing, citizen review of police misconduct, and community problem oriented policing.

Davis v. Mendel, S.D. OH, Case No. 01-cv-001. Injunction required inmate with end stage liver disease to be evaluated for liver transplant. March/April 2002 *Correctional Law Reporter* 84.

Morrison v. Davis, 88 F. Supp. 2d (S.D. OH 2000). Constitutional challenge to fee cap in Prison Litigation Reform Act.

Culberson v. Doan, 125 F. Supp. 2d 252 (S.D. OH 2000). Civil rights claim against police chief and village for violating parent's property rights by failing to secure the scene where their daughter's body was hidden. Jury verdict for \$3.75 million in 2001.

In Re: Northeast Ohio Correctional Center, N.D. OH, Case No. 4:97-CV-1995, Class action on behalf of Washington D.C. inmates housed in a private for-profit prison in Youngstown, Ohio on Eighth Amendment medical, use of force, and failure to protect claims. Case settled for \$1.75 million to be distributed to all 2,000 inmates and a three year agreement to monitor prison conditions. 1999. See December January 2000 *Correctional Law Reporter* 51.

In re Southern Ohio Correctional Facility, 173 F.R.D. 205 (S.D. OH 1997). Appointed in 1994 by federal court as plaintiffs' class counsel on claims based on 1993 prison riot. Settled for 4.1 million and extensive terms reforming conditions at prison.

Grimm v. Lane, 895 F. Supp. 907 (S.D. OH 1995). Prison beating and cover-up. \$450,000 jury verdict for plaintiffs.

Dunn v. Voinovich, S.D. OH, Case No. C-1-93-0166 (with Robert Newman). Class counsel in stated-wide class action challenging inadequate mental health treatment in Ohio prisons. Consent decree case. 1995.

Weeks v. Chaboudy, 984 F.2d 185 (6th Cir. 1993). Affirmed \$50,000 damage award against Southern Ohio Correctional Facility physician.

White v. Morris, 832 F. Supp. 1129 (S.D. OH 1993)(with Robert Laufman). Class action challenge to segregated celling at Southern Ohio Correctional Facility.

Wolfel v. Morris, 832 F.2d 712 (6th Cir. 1992). Affirmed judgment in favor of inmates challenging punishment for petitioning activity within the Southern Ohio Correctional Facility.

Gumpl v. Seiter, 689 F. Supp. 754 (S.D. OH 1988). Challenge to lack of recreational opportunities for protective custody prison inmates. Settled with creation of new housing unit and expanded recreation.

Dotson v. Seiter, S.D. OH, Case No.. C-1-84-1312. Class action challenge to practice of using excessive force against mentally ill inmates. Settled in 1987.

Johnson v. Seiter, S.D. OH, Case No.. C-1-84-1008. \$25,000.00 damage award against prison medical official for failure to treat a keloid for four years. Judgment entered 1987.

Hendrix v. Dallman, S.D. OH, Case No.. C-1-82-123 and C-1-83-1805. Race discrimination in prison. Rule 68 offer of judgment accepted and entered 1986.

Matje v. Leis, et al., 571 F. Supp. 918 (S.D. OH 1983). Misconduct by undercover drug agent resulted in consent decree regulating agent behavior and instituting citizen complaint system. Settlement on jail suicide claim. Consent decree and case summary in Police Misconduct and Civil Rights Law Report, No. 9, p.103-104 (Winter, 1985)).

Ar-Raheem v. Phillips, S.D. OH, Case No.. C-1-83-556. Challenge of punishment of Muslim inmate for refusing to handle pork. Settled.

REPRODUCTIVE RIGHTS

Planned Parenthood Cincinnati Region v. Strickland, 531 F.3d 406 (6th Cir. 2008). Challenge to Ohio restrictions on medication abortion.

Women's Medical Professional Corp. v. Baird, 2008 WL 545015 (S.D. OH 2008). Enjoin effort to close abortion clinic as violating due process.

Cincinnati Women's Services v. Taft, 468 F.3d 361 (6th Cir. 2006). Lead counsel in challenge to HB 421, which requires in-person meeting with physician 24 hours before abortion and replaces parental notice with parental consent for abortion.

Planned Parenthood Cincinnati Region v. Taft, 444 F.3d 502 (6th Cir. 2006)(with Planned Parenthood Federation Counsel). Enjoin statute regulating medical abortions.

Women's Medical Professional Corp v. Taft, 114 F. Supp. 2d 664 (S.D. OH 2000). Lead counsel in challenge to Ohio ban on "partial birth feticide".

Doe v. Barron, 92 F. Supp. 2d 694 (S.D. OH 1999). Injunction granted permitting prisoner access to abortion services.

Jane Doe v. River City Correctional Center, 92 F. Supp. 2d 694 (S.D. OH 1999). Prisoner access to abortion.

Women's Medical Professional Corp v. Voinovich, 130 F.3d 187 (6th Cir. 1997), *cert. denied* 523 U.S. 1036 (1998)(co counsel with Planned Parenthood Federation of America). Challenge to 1995 Ohio abortion statute.

Cleveland Surgi Center, Inc. v. Jones, 2 F.3d 686 (6th Cir. 1993)(with Planned Parenthood Federation of America). Unsuccessful challenge to parental notice law as applied.

In Re Jane Doe 1, 566 N.E.2d 1181 (Ohio St 1991). First appeal in Ohio under new parental notification of abortion statute.

Planned Parenthood Ass'n. of Cinti., Inc. v. Project Jericho, 556 N.E.2d 157 (Ohio St.

1990). Affirmed contempt convictions of anti-choice picketers and Affirmed the certification of a defendant class.

Planned Parenthood Ass'n. v. City of Cincinnati, F. 2d 1390 (6th Cir. 1987). Cincinnati fetus disposal ordinance enjoined as unconstitutional interference with a woman's right to secure abortion services.

GAY/LESBIAN RIGHTS

Obergefell v. Wymyslo, 2013 WL 6726688 (S.D. OH 2013). Permanent injunction granted compelling state officials to recognize same-sex spouses' marriages on Ohio death certificates.

Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005). Affirmed \$320,000 verdict for transsexual police officer discriminated against in demotion from sergeant. Attorney fees and multiplier award upheld on appeal.

Glover v. Williamsburg School District, 20 F. Supp. 2d 1160 (S.D. OH 1998). Damage verdict and reinstatement ordered for gay teacher discharged from school.

Equality Foundation v. City of Cincinnati, 54 F. 3d 261 (6th Cir. 1995) cert. granted, vacated and remanded, 116 S.Ct. 2519 (1996); 128 F. 3d 289 (6th Cir. 1997) (on remand from the U.S. Supreme Court), cert. denied 525 U.S. 943 (1997). Constitutional challenge to anti-gay City Charter amendment.

Greenwood v. Taft, Stettinius & Hollister, 663 N.E. 2d 1030 (Ohio App. 1995). Challenge to discharge and disclosure of private information about gay attorney.

EMPLOYMENT DISCRIMINATION

Broach v. City of Cincinnati, 2013 WL 4241410 (S.D. OH 2013). \$224,522.41 jury verdict for Fire Lieutenant based on employment claims for retaliation for opposition to race discrimination, retaliation based on participation, and hostile work environment.

Mell v. City of Cincinnati, 2010 WL 796751 (S.D. OH 2009). Class action challenge to denial of demutualization proceeds to workers.

Benaugh v. Ohio Civil Rights Commission, 2007 WL 1795305 (S.D. OH 2007). Successful jury trial challenging disability discrimination by civil rights agency

Riester v. Riverside Community School, 257 F. Supp. 2d 968 (S.D. OH 2002). Retaliation against teacher in charter school.

Hoffman v. Honda of America Mfg., Inc., 191 F.R.D. 530 (S.D. OH 1999). Sex discrimination class action.

Jansen v. City of Cincinnati, 977 F.2d 238 (6th Cir. 1992)(with Legal Aid Society). Reversal of order terminating consent decree for City of Cincinnati Fire Department. See

also *Youngblood v. Dalzell*, 925 F. 2d 954 (6th Cir. 1991).

Vogel v. City of Cincinnati, 959 F.2d 594 (6th Cir. 1992). Successfully defended police consent decree against reverse discrimination challenge.

Hubbard v. City of Middletown, 728 F. Supp. 1573 (S.D. OH 1990). Sexual harassment.

Wheeler v. Southland Corporation, 875 F.2d 86 (6th Cir. 1989). Title VII action, sexual harassment, constructive discharge. Plaintiff verdict Affirmed.

U.S. v. City of Cincinnati, 771 F.2d 161 (6th Cir. 1985). Black and female police officers appointed on same day as white males were entitled to challenge layoffs having a discriminatory impact. Matter was settled after remand.

Bryant v. CCHB, S.D. OH, C-1-83-798. Age discrimination. Plaintiff verdict following jury trial in 1985.

Martin v. Norbar, 537 F. Supp. 1260 (S.D. OH 1982). Sexual harassment.

HOUSING

Skidmore v. Butler Metropolitan Housing Authority, S.D. OH, C-1-80-346. Race discrimination class action. Consent decree instituted strong Affirmative action program in two cities that over four-year period desegregated the public housing units.

CONSUMER

Pearson v. Easy Living Furniture, 534 F. Supp. 884 (S.D. OH 1981). Truth in lending.

OTHER CIVIL RIGHTS

P.C. v. Milford Exempted Village School, 2013 WL 209478 (S.D. Ohio 2013). Ohio Department of Education administrative decisions denying private reading services to disabled junior high student overturned because school predetermined student's education placement and thus committed a procedural violation of the IDEA.

Range v. Douglas, 878 F. Supp. 2d 869 (S.D. OH 2012). Failure to protect bodies in morgue from sexual abuse by morgue attendant.

Logan v. Sycamore Community School Bd. of Educ., 2011 WL 382559 (S.D. OH 2011). Title IX and 1983 claim against school district that failed to protect student from harassment following sexting of photo.

Hunter v. Hamilton County Board of Elections, 850 F. Supp. 2d 795 (S.D. OH 2012). Equal protection and due process challenges to exclusion of provisional ballots from vote count.

B.H. v. West Clermont Bd. of Educ., 788 F. Supp. 2d 682 (S.D. OH 2011). Successful

appeal of administrative decision denying special education student serves. Settlement for \$70,000 plus fees on 1983 claim for restraining student.

Fangman v. City of Cincinnati, 634 F.Supp.2d 872 (S.D. OH 2008). First Amendment challenge to restrictions on donations and political activity by city workers.

Chesher v. Neyer, 2007 WL 4553908 (S.D. OH 2007). Class action challenge to county officials who permitted photographer to access, manipulate, and photograph bodies with props in the Hamilton County, Ohio Morgue. Settled for \$8 million.

Jennings v. University Ear, Nose & Throat Specialists, Inc., 101 Ohio St. 3d 326 (2004). Court of Claims has exclusive jurisdiction to determine if a state employee is immune from suit.

In re Estate of Carpenter, 127 Ohio Misc.2d 22 (C.P. Hamilton Co. 2004). Allowed settlement for minor in police misconduct case to be confidential.

Spencer v. Blackwell, 347 F. Supp. 2d 528 (S.D. OH 2004). Lawsuit brought on eve of 2004 election to hold unconstitutional Jim Crow election law that permitted republican challengers in the black precincts.

Jorg v. Cincinnati Black United Front, 792 N.E.2d 784 (Ohio App. 2003). Affirmed dismissal of slander action against civil rights organization for statements critical of police action in death of Roger Owens by.

Gable v. Lewis, 201 F.3d 769 (6th Cir. 2000). Affirmed jury verdict for plaintiff in sex discrimination and retaliation case.

Shields v. Campbell Co. Board of Education, E.D. KY, No. 84-242. Preliminary injunction reinstated female to ninth grade football team; consent decree guaranteed her right to compete on same basis as boys.

In re Cincinnati Radiation Litigation, 187 F.R.D. 549 (S.D. OH 1999). Serving as a defense attorney for physician charged with civil rights violations in mass tort action

In re: Fernald Litigation, S.D. OH, Case No. C-1-85-0149. Appointment in 1993 by the federal court as a litigating amicus in this mass tort action to advise the court on due process issues raised by the imposition of deadlines for monetary claims by members of the class.

Americans for Civil Participation v. Hamilton County Welfare Dept., S.D. OH, Case No. C-1-84-1318. Injunction granted September 21, 1984 permitting voter registration in food stamp stores.

GERHARDSTEIN & BRANCH
A Legal Professional Association
432 Walnut Street, Suite 400
Cincinnati OH 45202
(513) 621-9100

MARRIAGE

Page: 1

02/06/2014

Account No: 6509-00
STATEMENT NO: 1

Interim Statement

| | | Hours |
|------------|--|-------|
| 07/12/2013 | AAG General Issues - research issues | 2.00 |
| 07/16/2013 | AAG Draft complaint, research law, develop facts, outline next steps on research | 4.50 |
| | AAG General Issues - email with client and cocounsel | 0.50 |
| | AA Office conference and research w/AG on marriage case. | 0.30 |
| 07/17/2013 | AA Read and edit complaint. | 0.50 |
| | AAG General Issues - go to client home and meet them and discuss case | 2.00 |
| | JLB Research claims against dept. health and edit complaint | 1.30 |
| | AAG Draft edits to complaint, research, review memo, identify tasks, email client | 1.70 |
| 07/18/2013 | AAG Draft affidavit, emails with client | 1.00 |
| | AAG Draft affidavit and edit complaint and continue research | 3.50 |
| | AAG Draft and research memo and order and direct law clerk research | 3.70 |
| | LC research | 3.50 |
| | AAG Draft edits to pleadings and review research on how ohio addresses opposite sex marriages in other states that do not comply with ohio law | 0.50 |
| | LC Research: Irreparable harm for injunctive relief | 9.30 |
| | AA draft research memo | 7.30 |
| | AAG Draft and research pleadings | 5.60 |
| | JLB Research irreparable harm argument and venue claims; research venue and defendants | 2.40 |
| 07/19/2013 | AA Edit pleadings | 5.40 |
| | JLB Draft edits to Motion and Complaint | 0.70 |
| | JLB General Issues contact Opposing counsel, final review of pleadings | 0.50 |
| | LC research first cousin marriage | 2.80 |
| | PA1 File complaint, motions, put out press release. | 2.60 |
| | AA Conference call and draft stipulations | 2.50 |
| | AAG General Issues - edit all pleadings and filings, telephone conference with and email client, status conf court, communicate opposing counsel, assign research re open issues | 8.00 |
| | JLB Office conference with Court and counsel, t/c City attorneys | 0.50 |
| 07/20/2013 | JLB Draft edits to stips and research IH argument | 1.30 |
| | AAG Draft and research stip and or declaration with city, supp brief on irrep harm | 3.00 |

| | | | Hours |
|------------|-----|---|-------|
| 07/21/2013 | AAG | General Issues - emails and telephone conference with with client re hearing | 0.30 |
| | AAG | General Issues - prep for hearing and set up tasks for help on it | 0.40 |
| | AAG | General Issues - draft trial brief and telephone conference with resource people, telephone conference with cl | 2.10 |
| | JLB | Telephone conference with OC re stipulations, draft summary of same | 0.70 |
| | JLB | Research and draft argument on Irreparable Harm ("IH") | 5.00 |
| | JLB | Draft IH argument | 1.60 |
| 07/22/2013 | AAG | Draft edits to tro memo | 1.20 |
| | JLB | Draft edits to trial memo | 0.50 |
| | LC | 7/22 Drafting questionnaire for other potential clients. Reviewing city and state memo.7/24 Updating questionnaire in light of press release. | 2.00 |
| | AA | Preparation for hearing and hearing on TRO | 5.50 |
| | LC | Researching when equal protection trumps full faith and credit. | 1.30 |
| | AA | strategy meeting with AG and JB and reading order and TRO | 1.00 |
| | AAG | General Issues prep for and attend hearing, meet with client and cocounsel, address response from public and review ruling | 9.00 |
| | JLB | Trial/hearing prep for, attend, and discuss hearing with client | 3.75 |
| 07/23/2013 | AA | draft order for AG | 0.50 |
| | AAG | General Issues - conf client re spring grove, other issues, email defense counsel | 1.00 |
| | AA | phone call to KY lawyer (.1); review and save media (1); discussion with AG (.2); phone call with ACLU (.6) | 1.90 |
| | JLB | General Issues review info from potential clients | 0.70 |
| 07/24/2013 | PA1 | Service | 0.90 |
| | AAG | General Issues - telephone conference with various national groups and atty seeking intervention, telephone conference with client, review ideas on case strategy | 3.00 |
| 07/25/2013 | AA | Research venue | 2.50 |
| | AAG | General Issues - telephone conference with resources re strategy, telephone conference with jb, telephone conference with Bridget, email defense, email client | 2.00 |
| | AA | read emails re stipulations and cases in other states | 0.60 |
| 07/26/2013 | AAG | General Issues - respond to emails, telephone conference with state defense counsel, draft summary email afterwards, email cc counsel with ideas for next steps | 2.00 |
| | AA | finding and reviewing KY case (.3); saving pics to file (.1) | 0.40 |
| 07/27/2013 | AAG | General Issues - research, review and respond to emails re status and strategy | 2.00 |
| 07/30/2013 | AA | Telephone conference with court | 0.30 |
| | AA | File city waiver of service | 0.10 |
| | AAG | General Issues - prep for and participate in conf call with court and counsel, set tasks | 2.00 |
| | JLB | Telephone conference with court and OC re status, second call with AG, review tasks from AG | 0.70 |

| | | | Hours |
|------------|-----|--|-------|
| | LC | Collection of Windsor documents. Prelim/Perm Injunctions, District Court briefings, etc., Memo on application to case | 1.60 |
| | AA | Casemap and discussion with law clerk (1); calls to potential clients (.2) | 1.20 |
| | LC | research restatements | 5.60 |
| 07/31/2013 | AA | research losses (.2); calls to potential client (.1); call with client (.4) | 0.70 |
| | AA | draft memo and research | 1.20 |
| | AA | research declaratory relief | 1.00 |
| | AA | Read and email ag re PA case decided today | 0.40 |
| 08/01/2013 | LC | research legal age for marriage | 5.50 |
| | AAG | General Issues - review strategy with ACLU and decide on same | 1.00 |
| | AAG | General Issues - plan case, email state and Lisa, research | 1.00 |
| | AA | read emails re strategy and memo from Law Clerk | 1.00 |
| | AA | Research and draft memo on relief for all couples without class action | 3.30 |
| 08/02/2013 | AA | General Issues - research and respond to emails | 1.00 |
| | LC | Reviewing commission history on Ohio DOMA and video of floor debates. | 1.80 |
| 08/04/2013 | AA | Research - read law review articles on marriage equality and related topics | 3.00 |
| | AA | research current litigation in other states (.2); read law review article re due process argument (1) | 1.20 |
| 08/05/2013 | AA | call to potential client (.2); read MI law review article (.8); conf. call with ACLU (1) | 2.00 |
| | AAG | General Issues - prep for and do conf call with Meeks and ACLU re case issues and strategy | 1.80 |
| 08/06/2013 | AAG | General Issues - plan next steps | 0.30 |
| | AA | Review press statement | 0.10 |
| | AA | researching Ohio code re: losses (1.7); phone call with counsel and case planning with AG (1) | 2.70 |
| | LC | research potential experts | 1.90 |
| | LC | Collection of amici briefs | 1.00 |
| | AAG | General Issues - draft stipulations, work on strategy, telephone conference with defense counsel, draft case management plan, contact potential experts, review state interest materials, outline deca action issues, draft schedule | 7.10 |
| 08/07/2013 | LC | Pulling legis on early version of Ohio DOMA, searching for video on earlier version of Ohio DOMA, selecting parts of video to be transcribed. | 1.30 |
| | LC | Researching potential experts | 1.00 |
| | AAG | General Issues - research, review emails, edit case management plan | 1.20 |
| | AAG | General Issues - meet with clients and email with aclu and defense counsel re various issues | 1.50 |
| | AA | review stipulations and case mgmt plan (.1); draft perm inj order and research (2.9); revise stipulations (.5) | 3.50 |
| | LC | Research potential expert witnesses | 2.00 |
| | AAG | Research same sex recognition | 1.00 |
| 08/08/2013 | AAG | Draft emails with potential experts | 0.30 |
| | AA | research re: as applied versus facial challenge | 0.20 |
| | AA | phone call to court re: transcript (.1); phone calls to potential clients/witnesses | |

| | | Hours |
|------------|--|-------|
| | (.6) | 0.70 |
| | AA CBA training on employer benefits for same sex couples | 1.00 |
| | AAG Telephone conference with resource people and email re experts | 0.40 |
| 08/09/2013 | AAG General Issues - review draft order, research, issues and strategy and tasks with Jaci | 0.50 |
| | AAG General Issues - prep for and do conf call with deft, strategize and send emails as follow up to various folks | 2.00 |
| | AAG Draft edits final order | 0.20 |
| | AAG General Issues organize file and correspond re final order | 0.70 |
| | LC Reviewing Marriage Legislative History Videos. | 0.70 |
| | AA research/draft re: losses and draft order (1.5); phone conference with counsel (.5); research proper parties issue (.3) | 2.30 |
| | LC Pulling and reviewing Amici briefs from Windsor | 0.70 |
| | AA phone call with ct re transcript (.1) | 0.10 |
| 08/11/2013 | AAG General Issues - email with experts and research | 0.70 |
| 08/12/2013 | AAG General Issues - telephone conference with becker, peplau, fulcher, send emails confirming retainer and scope, prep for calls, study materials | 2.70 |
| | LC searching for expert reports from Perry v. Hollingsworth | 1.70 |
| | LC searching for expert statements from Perry | 0.70 |
| | AA read emails re experts (.1); research and email to ag on defendants (1.4) | 1.50 |
| 08/13/2013 | AAG Research procedure issues | 0.70 |
| | JLB Office conference with court and co-counsel re case plan | 1.00 |
| | AAG General Issues - prep for and attend status conf, meet with cocounsel re tasks and strategy and legal theory, email with defense re case plan and edits to TRO | 3.50 |
| | AA research and review changes to case mgmt plan (1); status conference and case planning with co counsel (1) | 2.00 |
| | AAG General Issues - review and respond to emails re case schedule, client and marriage expert | 1.00 |
| | AA emails to Lisa Meeks re: new defs and leg history (.2); email to al (.1) | 0.30 |
| | AAG General Issues - research recognition issues, email experts | 0.60 |
| | AAG General Issues - research recognition cases and read koppelman book | 1.00 |
| 08/15/2013 | LC Collection of law review articles | 1.70 |
| | AA Reading draft expert report-making notes | 2.00 |
| 08/16/2013 | AA research on Obama's statements re Windsor interpretation | 0.10 |
| 08/18/2013 | AAG General Issues - review all emails and expert corres, send responses, continue work on experts, review and respond to emails re spring grove. | 1.20 |
| 08/19/2013 | AA research tax issues and standing | 1.60 |
| 08/20/2013 | AAG General Issues - meet with Jaci re experts and legal theory | 0.60 |
| | AA Research (5); Meeting with AG (.7) | 5.70 |
| 08/22/2013 | AA Telephone conference with Prof. Grossman | 0.30 |

| | | | Hours |
|------------|-----|---|-------|
| 08/23/2013 | AA | email expert | 0.10 |
| 08/26/2013 | AA | email re strategy (.2); phone call to witness (.2); research (.5) | 0.90 |
| 08/27/2013 | AA | emails with co counsel (.2); read expert report (1.5); call to Prof Peplau (.1); draft/research motion for dec judgment (1.2) | 3.00 |
| 08/29/2013 | AA | Telephone conference with Susan Becker | 0.30 |
| 08/30/2013 | AA | Discussion with AG and JB re: strategy | 0.60 |
| | AAG | General Issues - review status of various issues, telephone conference with probate atty re new couples with deceased partner, telephone conference with state, telephone conference with city, research issues, draft memo re same, strategy discussed | 2.50 |
| | AAG | General Issues - telephone conference with new clients, telephone conference with city re death certifcate, research | 2.30 |
| | AA | General Issues - status conference (.2); phone conference re: strategy (.4); draft proposed TRO (.3); email and organize file (.3); research (.7) | 1.90 |
| | AA | Revise Am Compl and motion | 0.30 |
| | AAG | General Issues - telephone conference with new clients and jim, draft amended complaint, motion amend, tro, mot tro, research | 2.10 |
| 09/03/2013 | AAG | Draft edits to michener pleadings and draft stipulation email all to counsel | 0.80 |
| | PA1 | file pleadings | 0.30 |
| | AAG | Draft edits, draft stip, telephone conference with potential marriage client, review expert materials, telephone conference with obergefell, email with counsel and court | 2.20 |
| | AA | email retainer to Grossman (.2); file organization (.5) | 0.70 |
| | AAG | General Issues - review documentation to make clear michener authority re ives remains, email same to counsel, edit stip, send to counsel, discuss stip, file with court, email client | 0.90 |
| | AAG | Trial/hearing - tro hearing re michener | 0.30 |
| | LG | Research on Ohio Tax Commissioner | 0.90 |
| | AA | TRO hearing re: Michener (.2); save files (.1); phone call with Chase at ACLU (.4); discussion with AG (.2); phone calls with Herzig and funeral home (.5); read re recognition case in SC (.1); phone call to client Michener (.1) | 1.60 |
| | AA | read McKay's outline | 0.20 |
| 09/04/2013 | LG | Research on Ohio tax commissioner | 1.40 |
| | LG | research on tax commissioner | 1.00 |
| | AA | Draft motion (4); phone call with ACLU (.2) | 4.20 |
| 09/05/2013 | AA | read/edit Chauncey report | 2.40 |
| | AA | research SC same sex marriage case (.4); | 0.40 |
| | AA | Read/edit Chauncey report and email AG re all experts | 1.70 |
| 09/06/2013 | AA | read/edit Segura expert report | 2.50 |
| | AA | Read law clerk memos and discussion with him (1); call to expert Megan Fulcher (.1) | 1.10 |
| | LC | draft research memo on Windsor analysis | 1.00 |
| 09/09/2013 | AA | read Fulcher expert report and law clerk memo | 2.00 |

| | | | Hours |
|------------|-----|--|-------|
| 09/10/2013 | AAG | General Issues - respond to emails and research and draft class definition | 0.60 |
| | AAG | General Issues - review database of potential clients and witnesses and telephone conference with one witness to explore facts | 0.50 |
| | AAG | General Issues - telephone conference with defense counsel, research, email with cocounsel | 1.10 |
| | AAG | General Issues - research new issues, telephone conference with aclu | 1.00 |
| | AA | phone call with Spring Grove atty (.3); conference with Bridget (.2); phone call with Chase (.4); scan and send email to Spring Grove (.2); research additional legal detriments to same-sex married couples in Ohio (1) | 2.10 |
| 09/12/2013 | AA | Read Becker Report | 3.20 |
| 09/13/2013 | AA | Telephone conference with Poul Lemasters/spring grove | 0.20 |
| | AAG | Research - research insurance issues and telephone conference with resource people | 1.10 |
| | AAG | Research insurance | 0.30 |
| | AA | Research (1); draft motion (.5); reading Grossman report (1.5); draft motion (1.7) | 4.70 |
| 09/14/2013 | AAG | Research death certificate and case strategy | 2.00 |
| 09/16/2013 | AAG | General Issues - research class issues | 2.20 |
| | AA | Telephone conference with Spring Grove atty (.2); email & discussion w/AG (.2) | 0.40 |
| | AA | research individual capacity issue | 0.10 |
| | AAG | General Issues - research and draft amended complaint and email with proposal | 2.00 |
| | LG | Research on mootness | 3.10 |
| 09/17/2013 | AA | Revise amended complaint | 0.50 |
| | AA | research re: state and federal guidance for filling out death certificates | 0.30 |
| | AAG | General Issues - telephone conference with defense counsel and review status of case and potential issues with class re appeal and timing, research | 1.00 |
| | AA | research appeal issue | 0.70 |
| | LG | Research on mootness | 3.30 |
| | LG | Research on mootness | 1.50 |
| | AAG | General Issues - review research on mootness, respond to email from defense counsel, research other issues, conf re death certificate | 0.60 |
| | LG | Researched the use of death certificates by surviving spouses. (AGG) | 2.60 |
| 09/18/2013 | AAG | Research windsor holding | 1.60 |
| | LG | drafted memo on importance of surviving spouse designation on Ohio death certificates. | 2.10 |
| | AA | case planning with AG and JB | 0.30 |
| | AAG | Draft third party standing declaration, research, telephone conference with aaron h, telephone conference with brigid coontz re status of case | 1.00 |
| | LG | Researched duties of funeral directors. | 0.40 |
| | AA | research third party standing | 1.90 |
| | AA | phone call with client Obergefell-case update | 0.10 |
| 09/19/2013 | LG | Researched Funeral Directors duties and wrote memo. | 0.60 |

| | | Hours |
|------------|--|-------|
| | AAG General Issues - draft second amend complaint, motion, emails, telephone conference with clients, telephone conference with defense counsel, research | 4.20 |
| | AA case discussion w/AG | 0.20 |
| | AAG Draft edits to amend motion and complaint | 0.80 |
| | AAG Telephone conference with jim o re case status and issues | 0.30 |
| | AA read and revise am compl (1.3) call with AG and client (.4) | 1.70 |
| | AAG Draft edits to motion and complaint | 0.80 |
| | AA Review AG's edits to Am Compl | 0.10 |
| | AA file motion to amend complaint | 0.10 |
| 09/20/2013 | AA call with HRC | 0.10 |
| 09/24/2013 | AAG General Issues review pleadings filed by defts | 0.70 |
| | AAG General Issues - prep for status, annotate complaint, draft stipulations | 1.20 |
| | LG Researched FMLA spouse definition and wrote a memo. | 4.60 |
| | AAG General Issues - telephone conference with defense counsel, email plan, email clients, plan next steps | 1.00 |
| 09/25/2013 | AA Telephone conference with court re motion to amend and motion to dismiss (.3); mtg with AG (.2) | 0.50 |
| | AAG General Issues - prep for and do hearing on mot amend, review expert declarations, email experts and cocounsel | 4.50 |
| | AAG General Issues - review expert reports | 2.60 |
| | AAG Draft THIRD AMENDED COMPLAINT | 0.40 |
| | AAG Draft edits to complaint | 0.60 |
| | LG Researched public statements by Robert Grunn (AGG). | 0.10 |
| | LG Meeting - met with Robert Grunn at his funeral home. | 0.80 |
| 09/26/2013 | AAG General Issues - review expert declaration and email expert and cocounsel | 0.90 |
| | JLB Draft edits to 3rd amended complaint | 0.70 |
| | AA emails from AG (.2); filing am compl (.2); read and edit third am compl (.3) | 0.70 |
| | AAG General Issues - edit complaint | 0.50 |
| | AAG General Issues - screening | 1.00 |
| | AA email to expert fullcher | 0.10 |
| | AAG General Issues - research birth certificates and learn facts | 1.00 |
| | AAG General Issues - visit with funeral director and draft ideas for supplemental declaration on standing | 1.50 |
| | AA send service packets to defendants | 0.20 |
| 09/27/2013 | AAG General Issues - emails with ACLU | 0.20 |
| | AAG General Issues - telephone conference with expert, email with expert, telephone conference with atty with ideas on gay marriage from his cases in N Ohio | 0.70 |
| | AA read emails (.2); read answer in KY case (.2); research (1.5) review expert reports and phone call with Grossman (3) | 4.90 |
| 09/30/2013 | AA Telephone conference with Lisa | 0.20 |
| 10/01/2013 | LG Draft - Grunn Declaration. | 1.20 |
| | LG Research standing. | 0.50 |
| 10/02/2013 | AA Review WV case | 0.10 |

| | | | Hours |
|------------|-----|---|-------|
| | LG | Research standing and draft Grunn declaration. | 3.00 |
| 10/03/2013 | AA | read peplau new version of report (1.7); research (.2) | 1.90 |
| | AA | Read McKay report | 1.50 |
| 10/04/2013 | LG | General Issues - draft Grunn Declaration | 0.50 |
| | AA | Discussion with law clerk and email Dr. Peplau | 0.20 |
| | LG | Researched and wrote memo on the Standing of Grunn. | 2.10 |
| 10/05/2013 | AAG | General Issues - review emails from client, review draft declaration re funeral director standing, respond to other emails re case | 1.00 |
| 10/06/2013 | AA | email with expert Segura (.1); drafting fof and col (.2) | 0.30 |
| | LC | draft tiers of scrutiny section of merits brief | 2.40 |
| 10/07/2013 | LG | Draft Standing Motion | 3.50 |
| | AA | Read/Organize 7 expert reports and emails with co counsel | 5.00 |
| 10/08/2013 | AAG | General Issues - review standing issues and edit grunn declaration | 0.50 |
| | LG | Drafted final Robert Grunn declaration. | 0.30 |
| | AAG | General Issues - review expert declarations and research and email co counsel re next steps to finish all of them | 2.00 |
| | AA | return phone calls to potential witnesses and telephone conference with client (.3); research and draft merits brief (3.5) | 3.80 |
| 10/09/2013 | AA | Draf merits brief, read and incorporate expert reports | 7.00 |
| 10/10/2013 | AA | Finalize expert reports (1.5); draft fof and col and merits brief (1.5); read mckay report revisions (1.1) | 4.10 |
| | AA | draft merits brief | 2.30 |
| 10/11/2013 | LC | compile law review articles, citations | 1.00 |
| | AA | review Dr. Peplau report for filing (.2); research and draft merits brief (5.6) | 5.80 |
| 10/14/2013 | LC | draft merits brief/research | 4.90 |
| | AA | Draft merits brief | 4.20 |
| | AAG | General Issues - research and start drafting MIO to standing brief, telephone conference with obergefell, draft declaration, telephone conference with client | 3.80 |
| | LG | Draft response to motion to dismiss grunn | 5.40 |
| 10/15/2013 | LG | Drafted response to motion to dismiss Grunn. (AGG) | 5.00 |
| | AAG | Draft edits to standing memo | 0.80 |
| | AA | Draft merits brief (5.5); Draft resp to mtd (1) | 6.50 |
| 10/16/2013 | LG | Drafting standing memo for Grunn (AGG) | 4.80 |
| | AAG | Draft edits to standing memo | 2.10 |
| | AAG | General Issues - review memo, draft summary explaining case | 0.70 |
| 10/17/2013 | AA | Revise proposed final order | 0.50 |
| | AAG | General Issues - start work on merits brief, research | 0.50 |
| | AAG | Draft perm inj order, motion and memo, draft research task re scope of relief | 1.00 |

| | | | Hours |
|------------|-----|--|-------|
| 10/18/2013 | AAG | Draft merits brief | 1.30 |
| | LG | Research on breadth of relief in as applied challenges -- AEP | 2.90 |
| | AAG | General Issues - edit brief | 0.50 |
| | LC | edit merits brief | 0.90 |
| | LG | Research on the remedies available in as-applied cases | 4.00 |
| 10/19/2013 | AAG | General Issues - draft and edit and research merits brief on perm injunction. outline additional thoughts | 4.50 |
| 10/20/2013 | AAG | General Issues - research | 0.50 |
| | LC | Revise Merits Brief | 7.40 |
| 10/21/2013 | AA | read emails | 0.20 |
| | LG | Research on as-applied remedy -- AEP | 1.20 |
| | LC | revise merits brief | 3.50 |
| 10/22/2013 | AAG | General Issues - emails and calls re death and next steps re his death certificate | 1.00 |
| | LG | General Issues - drafted notice of death filing. | 0.80 |
| | AA | draft merits brief | 5.00 |
| | AAG | Draft merits brief | 1.50 |
| | AAG | Draft merits brief | 1.00 |
| 10/23/2013 | AA | case discussion with AG | 0.20 |
| | AAG | Draft merits brief and research same | 2.40 |
| | LG | Research Tax filing issue in Ohio for David Michener (AGG) | 1.40 |
| | AA | revise merits brief | 1.50 |
| 10/24/2013 | AA | revise merits brief | 6.00 |
| 10/25/2013 | AAG | Draft brief | 2.50 |
| | AA | revise merits brief | 4.00 |
| | AA | discussion with ACLU | 0.10 |
| 10/26/2013 | AAG | Draft edits to merits brief | 1.20 |
| 10/28/2013 | AA | draft merits brief section | 1.00 |
| | AAG | Draft edits to merits brief and review others edits | 5.40 |
| | AAG | Draft edits to merits brief | 1.30 |
| | AA | revise merits brief | 4.50 |
| | PAR | Draft Table of Contents | 0.70 |
| | AAG | Draft edits to merits brief | 1.60 |
| 10/29/2013 | AA | revise merits brief, motion and proposed order | 4.60 |
| 10/30/2013 | AAG | General Issues - research and review issues re standing argument | 2.30 |
| | LG | Research facial versus factual attacks (AGG). | 1.90 |
| | AAG | General Issues - prep for, meet with clients and argue the standing issue | 4.10 |
| | AA | prep for hearing on mtd | 1.20 |
| 11/01/2013 | AA | Telephone conference with court (.1); redact and send death certs to court (.3) | 0.40 |
| | AA | Read Court's order on mtd | 0.20 |

| | | | Hours |
|------------|-----|---|-------|
| 11/19/2013 | AAG | General Issues - review state brief and start research and outline of ideas for reply | 2.80 |
| | LG | Research on facial and as applied challenges -- AEP | 4.90 |
| 11/20/2013 | AAG | Research - consult with aclu | 0.50 |
| | AA | read memo in opp | 2.00 |
| | AA | draft and file motion for extension of time | 0.30 |
| | AAG | General Issues - plan drafting, review request for amicus | 0.40 |
| | LG | Research on as applied challenges -- AEP | 5.30 |
| 11/21/2013 | LG | Research on as applied and facial challenges -- AEP | 2.50 |
| | LG | Research on as applied and facial challenges -- AEP | 3.90 |
| | AA | email with ACLU | 0.10 |
| 11/22/2013 | AAG | General Issues - meet with ACLU as resource on marriage issues | 1.00 |
| | LG | Research on as applied challenges -- AEP | 2.80 |
| | LG | Drafting memo on as applied and facial challenges -- AEP | 3.70 |
| 11/24/2013 | LC | draft rational basis section of reply brief | 0.80 |
| 11/25/2013 | AA | Draft reply brief | 4.60 |
| | LG | Memo on as applied or facial challenge -- AEP | 2.50 |
| | LG | Memo on as applied and facial challenges -- AEP | 0.70 |
| | LG | Memo on as applied and facial challenges -- AEP | 2.20 |
| 11/26/2013 | AA | research/draft reply brief | 5.30 |
| | AAG | General Issues - research and review amicus | 0.80 |
| | AAG | General Issues - work on parenting issues | 0.50 |
| 11/27/2013 | LG | Reviewing amicus brief -- AEP | 3.00 |
| | LC | Finding articles cited in CCV amicus brief | 0.20 |
| | AA | research and draft reply brief | 7.00 |
| 11/29/2013 | LC | Review of CCV amicus brief articles | 5.70 |
| 11/30/2013 | AAG | Draft and research reply brief | 9.10 |
| 12/01/2013 | AAG | Draft - and research reply | 1.00 |
| | AAG | Draft and research reply | 1.60 |
| | AAG | Draft and research reply | 2.60 |
| 12/02/2013 | AAG | General Issues - meet re next steps re research on reply | 0.30 |
| | LG | Drafting section for reply brief on as applied relief -- AEP | 2.10 |
| | LG | Drafting section of the reply brief on as applied relief -- AEP | 2.00 |
| | LG | Revising section of brief on as applied relief -- AEP | 1.00 |
| | LC | research response to CCV's amicus brief | 1.30 |
| | LG | Researching for as applied section of reply brief -- AEP | 1.20 |
| 12/03/2013 | AAG | Draft edits and research re reply | 1.80 |
| | AAG | General Issues - draft edits and research reply, email aclu | 0.80 |
| | LG | Drafting response to CCV amicus -- AEP | 2.80 |

| | | | Hours |
|------------|-----|---|-------|
| | AAG | General Issues - draft and research edits to reply | 0.50 |
| | LC | research CCV amicus brief problems | 2.70 |
| | LG | Drafting response to CCV amicus brief -- AEP | 5.30 |
| 12/04/2013 | LG | Drafting reply to CCV amicus -- AEP | 2.90 |
| | AAG | Draft edits to reply and research same | 0.70 |
| | LG | Drafting reply to CCV amicus brief -- AEP | 3.60 |
| 12/05/2013 | AAG | Draft edits to CCV amicus brief argument in response | 1.50 |
| | LG | Revising draft of reply to CCV amicus -- AEP | 1.90 |
| | AA | revise merits reply | 5.00 |
| 12/06/2013 | AA | research re heightened scrutiny | 0.20 |
| | AA | call/emails to potential witnesses and update casemap | 0.30 |
| | AA | phone call with potential witness (.3); revise reply brief (2) | 2.30 |
| | AA | read portions of Perry trial transcript | 0.30 |
| 12/09/2013 | AAG | Draft - edits to brief | 0.70 |
| | AA | Revise brief and send to paralegal for finalization | 0.50 |
| | PAR | Draft Table of Contents & Table of Authorities | 0.70 |
| | AA | finalize reply brief | 1.70 |
| 12/16/2013 | AAG | General Issues - prep for argument | 2.40 |
| | AA | research issues for oral argument (1); call clients (.2) | 1.20 |
| | AA | research for oral argument | 0.50 |
| | AAG | General Issues - prep for argument, read cases | 3.80 |
| 12/17/2013 | AAG | General Issues - prep for argument | 2.30 |
| | AAG | General Issues - prep arg | 1.00 |
| | AA | research re sixth circuit cases and prep for argument (6.4); phone meeting with AG, ACLU, and Adam (.5) | 6.90 |
| | AAG | General Issues - arg prep | 3.00 |
| | AAG | Phone conference with ALCU, Adam, and Jaci | 0.50 |
| 12/18/2013 | LG | Research common law marriage (AGG) | 0.10 |
| | AAG | General Issues - prep for and argue permanent injunction | 5.90 |
| | JLB | Trial/hearing attend oral argument | 2.30 |
| | AA | preparation for hearing and hearing on the merits | 3.50 |
| | AA | call with client and reporter (.1); research and draft resp to mot to stay (.8) | 0.90 |
| 12/19/2013 | AA | research re mot to stay | 1.90 |
| 12/20/2013 | AA | draft/research mot to stay | 1.30 |
| | AA | read Utah decision and draft and filie notice of supp authority | 0.50 |
| 12/23/2013 | JLB | General Issues review decision | 0.50 |
| | AAG | General Issues - review utah decision, review our decision and email with clients and counsel | 2.50 |
| | JLB | Review decision | 0.50 |
| 12/24/2013 | JLB | General Issues review fees | 0.10 |

| | | | Hours | |
|------------|-----|--|--------|------------|
| 01/06/2014 | AA | researching utah case | 0.70 | |
| 01/07/2014 | AA | research briefing utah case | 0.20 | |
| 01/08/2014 | AA | call to potential witness/client | 0.10 | |
| 01/14/2014 | AA | reading oklahoma case | 0.20 | |
| 01/21/2014 | AAG | General Issues - telephone conference with aclu re next steps on appeal | 0.20 | |
| | AA | Telephone conference with Steve Snyder-Hill | 0.20 | |
| 01/27/2014 | AA | read/revise complaint | 0.40 | |
| 01/28/2014 | AAG | General Issues - telephone conference with chase and james and draft memo afterwards, review status of other cases | 0.70 | |
| 01/30/2014 | AA | Read WV case decision | 0.20 | |
| 02/04/2014 | AA | call Grunn re corporate disclosure statement | 0.10 | |
| 02/05/2014 | LG | Research on attorney's fees -- AEP | 1.00 | |
| | JLB | Draft fee motion | 5.90 | |
| | LG | Memo on apportionment of attorney's fees -- AEP | 3.50 | |
| | AAG | General Issues - edit fee motion and attachment | 0.60 | |
| | AA | Read and correct time sheets for fee petition | 1.10 | |
| 02/06/2014 | JLB | Review time sheets, edit, delete hours worked | 1.60 | |
| | JLB | General Issues-final review of timesheets | 0.10 | |
| | AA | revising time sheets for fee petition | 0.60 | |
| | | For Current Services Rendered | 707.55 | 193,361.50 |

RECAPITULATION

| | <u>Hours</u> | <u>Hourly Rate</u> | <u>Total</u> |
|--------------------|--------------|--------------------|--------------|
| ASSOCIATE ATTORNEY | 238.30 | \$225.00 | \$53,617.50 |
| Gerhardstein, A.A. | 234.00 | 450.00 | 105,300.00 |
| LAW GRADUATE | 119.80 | 130.00 | 15,574.00 |
| Law Clerk | 77.90 | 85.00 | 6,621.50 |
| Jennifer Branch | 20.75 | 350.00 | 7,262.50 |
| Jennifer Branch | 11.60 | 385.00 | 4,466.00 |
| PARALEGAL I | 3.80 | 100.00 | 380.00 |
| PARALEGAL II | 1.40 | 100.00 | 140.00 |

| | | |
|------------|--|----------|
| 07/19/2013 | Filing Fee - U.S. DISTRICT COURT | 400.00 |
| 07/22/2013 | COPY COSTS - FED EX OFFICE | 12.56 |
| 08/08/2013 | Book: Marriages Cross State Lines - Amazon | 23.33 |
| 09/15/2013 | Conference call - CINCINNATI BELL ANY DISTANCE | 14.00 |
| 09/22/2013 | Deposition: HB 272 video transcriptions - ELITE REPORTING AGENCY | 1,488.40 |
| 10/13/2013 | Professional Services - Transcript of TRO hearing - JODIE D. PERKINS, RMR, | |

| | | |
|------------|--|---------------------|
| | CRR | 164.25 |
| 10/19/2013 | Professional Services - JOANNA GROSSMAN | 5,500.00 |
| 11/30/2013 | Professional Services - FROST BROWN TODD LLC | 4,350.00 |
| 11/30/2013 | Professional Services - ANNE PEPLAU | 300.00 |
| 12/22/2013 | Professional Services - GARY SEGURA | 1,500.00 |
| | TOTAL EXPENSES | <u>13,752.54</u> |
| | TOTAL CURRENT WORK | 207,114.04 |
| | Balance Due | <u>\$207,114.04</u> |