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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

JAMES E. LARGE, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-0270J
)	
FREMONT COUNTY, WYOMING, et al.,))	
)	
Defendants,)	
_____)	

Plaintiffs' Supplemental Motion for Costs and Attorney's Fees

Plaintiffs, as prevailing parties, move the Court pursuant to 42 U.S.C. §§ 1973(l)(e) and 1988, for a supplemental award of costs and attorney's fees for the time spent on or after August 12, 2010, the last date covered by their first request for costs and fees, including time spent on appeal.

On February 22, 2012, the Court of Appeals affirmed the decision of this Court implementing single members districts to remedy a violation of Section 2 of the Voting

Rights Act, 42 U.S.C. §1973. Large v. Fremont County, Wyoming, 2012 WL 562410 (10th Cir. 2012). On March 3, 2012, Plaintiffs filed in the Court of Appeals a motion to transfer consideration of attorney's fees and costs involving the appeal, other than those provided for by 28 U.S.C. § 1920 and Rule 39(a), Fed.R.App.P., to the district court from which the appeal was taken. The Defendants did not file an opposition to the motion. The Defendants also did not file a petition for panel rehearing, a petition for rehearing en banc, or a motion for stay of mandate, and on March 15, 2012, the Court of Appeals issued its mandate. As provided in Rule 41(c), F.R. App. P.: "The mandate is effective when issued."

Although the Court of Appeals has not ruled on Plaintiffs' motion to transfer consideration of costs and fees, Plaintiffs believe in light of the issuance of the mandate the issue of Plaintiffs' entitlement to supplemental costs and fees is now properly before this court. As the court held in Gurule v. Wilson, 635 F.2d 782, 792 (10th Cir. 1980), "plaintiffs are entitled to attorneys fees for prevailing on appeal." Accord, Love v. Mayor, City of Cheyenne, Wyo., 620 F.2d 235, 237 (10th Cir. 1980) ("plaintiff is also entitled to attorney's fees for work done on appeal"). The court in Gurule further ordered "we deem it appropriate for the trial court to determine the time spent and the fees to be awarded for the appellate work." 635 F.2d at 792.

As appears more fully from the attached declarations of Laughlin McDonald and Berthenia Crocker, which contain detailed summaries of hours and expenses, plaintiffs request attorney's fees in the additional amount of \$85,695.00 for the following number of hours expended in this case on or since August 12, 2010, by the attorneys noted, at the rates indicated:

<u>Attorney</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Amount</u>
Laughlin McDonald	134.4	\$425	\$57,120.00
Andrew Baldwin	42.9	\$250	\$10,725.00
Berthenia Crocker	36.5	\$250	\$9,125.00
Janet Millard	34.9	\$250	\$8,725.00
Total:			\$85,695.00

Plaintiffs also request an award of supplemental expenses incurred since August 12, 2010 in the amount of \$2,490.39.

WHEREFORE, plaintiffs respectfully pray that this Court enter a supplemental award of attorney's fees and expenses incurred on or after August 12, 2010 in the amount of \$88,185.39.

Respectfully submitted,

/s/Laughlin McDonald

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Attorneys for Plaintiffs

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JAMES E. LARGE, et al.,)	
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Plaintiffs,)	
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v.)	Case No. 05-CV-0270J
)	
FREMONT COUNTY, WYOMING, et al.,)	
)	
Defendants.)	
)	

SUPPLEMENTAL DECLARATION OF BERTHENIA S. CROCKER

1. My name is Berthenia S. Crocker, Baldwin, Crocker & Rudd, P.C., one of the attorneys for the Plaintiffs. I submit this supplemental declaration on behalf of myself and the other attorneys of record from my firm in support of Plaintiffs' motion for costs and attorney fees.

2. Time and Labor Required. Attached hereto as Exhibit 1 is a statement of hours (114.3) which we rendered in this case since August 12, 2010, which includes work done on appeal. All segments of time are identified as to the nature of the work performed. I personally

prepared Exhibit 1 based upon a review of our contemporaneous time records, our regular office business records, the pleadings, correspondence, and the entire record, and believe it to be true and correct. I further certify that the work performed was reasonably necessary to the preparation and presentation of the case.

3. Expenses Incurred. Also shown on Exhibit 1 is a list of expenses (\$1,976.23) that we incurred on behalf of the Plaintiffs in this litigation since August 12, 2010. The list was prepared based upon our regular office business records, and the expenses were necessarily and reasonably incurred in providing representation to the Plaintiffs. Bills and/or receipts for costs are available and will be provided to Defendants and the Court upon request.

4. I incorporate herein by reference thereto the prior declaration of Andrew W. Baldwin, Doc. #158-5.

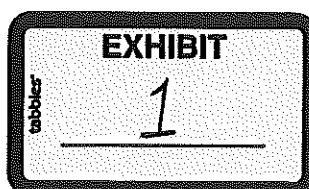
I declare under penalty of perjury that the foregoing is true and correct. Executed on May 8, 2012, at Lander, Wyoming.

s/Berthenia S. Crocker
BERTHENIA S. CROCKER

Baldwin, Crocker & Rudd, P.C.
P.O. Box 1229, Lander, WY 82520

05-06 Fremont County Voting Rights Customer Statement
August 12, 2010 through March 31, 2012

<u>Date</u>	<u>Memo</u>	<u>Atty</u>	<u>Hrs</u>	<u>Fees</u>	<u>Costs</u>
08/12/2010	Call with Varn; review bills for Fee Petition	AB	1.5	375.00	
08/16/2010	Attorney Fee Petition	AB	.5	125.00	
08/18/2010	Review Hickey Declaration; attorney conference re: meeting with County Attorney and officials; conference call with McDonald; review fee records for Petition	AB	2.3	575.00	
08/18/2010	Review draft Declarations, fee records; attorney conference re: meeting with County; call with McDonald	BC	4	1,000.00	
08/18/2010	Prepare for meeting with County; meet with Jodi Darrough and Julie Freese, K. Whiteman and P. Hickerson re: County's proposal for modifying Court Order; draft memo summarizing County proposal for attorney review; attorney meeting re: response to County proposal; review and revise Fee Petition	JM	5.4	1,350.00	
08/19/2010	E-mails with LM; edit Declaration and letter to Varn	AB	2.3	575.00	
08/19/2010	Review final draft of attorney Fee Petition and billing statements; review maps of districts - precincts; revise Response to County's Proposal to Modify Order	JM	4.2	1,050.00	
08/22/2010	Meals in Cheyenne				128.83
08/22/2010	Hotel in Cheyenne - Little America - for AB, BC, JM				1,279.40
08/25/2010	Calls with McDonald; attorney conference re: appeal announcement	AB	.8	200.00	
08/25/2010	Calls with McDonald; attorney conference re: Appeal County district revision proposal	BC	.8	200.00	
08/25/2010	Attorney conference re: fee petition provisions and whether County will follow through on promised plan to negotiate districts; confirming info. as to County Appeal; scheduling client meeting	JM	1	250.00	



<u>Date</u>	<u>Memo</u>	<u>Atty</u>	<u>Hrs</u>	<u>Fees</u>	<u>Costs</u>
08/26/2010	Review of Court Order on remedies re: requirements for election schedule	JM	1.1	275.00	
08/31/2010	Postage Charges for August				17.10
08/31/2010	Copy (b&w) and FAX Charges for August				32.25
09/02/2010	Meet with clients	AB	1.8	450.00	
09/02/2010	Review County proposals, proposed schedule for elections, in prep. for meeting with Plaintiffs; meet with Plaintiffs	JM	3	750.00	
09/03/2010	Call with Collins	AB	.2	50.00	
09/08/2010	Review docket entries, letter from Clerk; e-mail Schultz re: Appeal	BC	.4	100.00	
09/09/2010	Call with McDonald; Entry of Appearance	AB	.2	50.00	
09/09/2010	Attorney conference re: Entry of Appearance; e-mail McDonald re: Fee Petition; review docket entries	BC	1	250.00	
09/10/2010	Review docket entry	BC	.4	100.00	
09/15/2010	E-mails with McDonald, Rideout re: Fee Petition	BC	.5	125.00	
09/17/2010	Review docketing statement	BC	1	250.00	
09/22/2010	Review Mediation Order	BC	.3	75.00	
09/24/2010	Review docket entries	BC	.3	75.00	
09/27/2010	Call with McDonald; meet with Collins	AB	1.9	475.00	
09/30/2010	Postage Charges for September				3.32
09/30/2010	Copy (b&w) and FAX Charges for September				15.90
09/30/2010	Review letter by LM; call with LM	AB	.3	75.00	
10/01/2010	Research and revise draft letters	AB	.8	200.00	
10/04/2010	Meet with clients; call with LM	AB	2.3	575.00	
10/04/2010	Prepare for and meeting with Plaintiffs; review Mediation Order; attorney conference re: mediation	JM	3	750.00	
10/12/2010	E-mail McDonald - Dettamore re: Motion to Expedite Appeal	BC	.3	75.00	
10/14/2010	Call with Mediator, LM	AB	1.2	300.00	
10/14/2010	Phone call with McDonald; call with mediator; e-mails with McDonald, Cooper re: mediation proposals	BC	1.9	475.00	
10/14/2010	Mediation meeting with 10th Circuit and Defendants; attorney conference concerning possible proposals	JM	1.7	425.00	
10/18/2010	Review misc. docket entries	BC	.5	125.00	
10/18/2010	Research, review re: possible proposal to County on districting issue	JM	1.3	325.00	

<u>Date</u>	<u>Memo</u>	<u>Atty</u>	<u>Hrs</u>	<u>Fees</u>	<u>Costs</u>
10/26/2010	Review misc. docket entries	BC	.4	100.00	
10/31/2010	Postage Charges for October				1.32
10/31/2010	Copy (b&w) and FAX Charges for October				21.60
11/01/2010	Read County's Opening Brief; outline response points; e-mail to LM	AB	1.6	400.00	
11/01/2010	Review County's Opening Brief, other docket entries; prepared notes on Response	BC	2	500.00	
11/02/2010	Review current filings, outline issues and concerns for client meeting	JM	1.3	325.00	
11/02/2010	Review docket entries	BC	.2	50.00	
11/03/2010	Prepare for meeting with clients; review Brief; research same	AB	1.6	400.00	
11/04/2010	Meet with clients	AB	2.5	625.00	
11/04/2010	Prepare for and meeting with Plaintiffs re: Appeal status and grounds for Appeal; mediator's suggested issues for negotiation	JM	4.2	1,050.00	
11/09/2010	Memo to clients and LM	AB	.3	75.00	
11/09/2010	Attorney conference re: State Bill status; review draft Reply Brief	BC	1	250.00	
11/10/2010	Finalize memo to client	AB	.1	25.00	
11/10/2010	Edit Reply Brief	BC	.5	125.00	
11/11/2010	Review and comment on draft Reply Brief	AB	2	500.00	
11/12/2010	Finalize comments on Draft Brief	AB	1	250.00	
11/22/2010	Review, response to County's Attorney Fee proposal; review of Appeal Briefs	JM	1.4	350.00	
11/23/2010	Review and edit Brief	AB	1.3	325.00	
11/23/2010	Review, comment re: Brief to 10th Circuit	JM	1	250.00	
11/29/2010	Review, comment re: attorney fee proposal and effect as to current position	JM	.8	200.00	
11/30/2010	Copy (b&w) and FAX Charges for November				5.70
12/08/2010	Research	AB	.8	200.00	
12/08/2010	Review Opposition to Motion for Fees; double check time records	BC	1.5	375.00	
12/10/2010	Review Objection to Fee Petition; respond to same; research and draft Reply to Fee Opposition	AB	4.5	1,125.00	
12/10/2010	Review County Brief re: attorneys fees and cases cited re: market rate and multiple attorneys	JM	2	500.00	
12/10/2010	Revise Response to Fee Motion Objections	BC	.8	200.00	
12/11/2010	Research and draft Reply to Fee Opposition	AB	3.2	800.00	
12/13/2010	Revise and Response re: Fee Petition	AB	2	500.00	
12/13/2010	Review, revise BCR portion of Attorneys Fee Brief; comments on final draft	JM	2	500.00	
12/14/2010	Call with McDonald; edit Reply	AB	.9	225.00	

<u>Date</u>	<u>Memo</u>	<u>Atty</u>	<u>Hrs</u>	<u>Fees</u>	<u>Costs</u>
12/14/2010	Final review and revisions of Fee Brief	JM	1	250.00	
12/16/2010	Calls with LM; edit Fee Petition Reply; research records	AB	2	500.00	
12/21/2010	Review current filings in Fed. Court by Defendants re: rebuttal	JM	.5	125.00	
12/22/2010	Review Reply Brief	AB	.5	125.00	
02/22/2011	E-mails with McDonald re: oral argument	BC	.3	75.00	
03/01/2011	Review outline of oral argument	BC	.5	125.00	
03/02/2011	Review and comment on oral argument notes	AB	1	250.00	
03/02/2011	E-mail McDonald re: oral argument	BC	.3	75.00	
03/04/2011	E-mails with McDonald re: 2010 census in relation to plans	BC	.3	75.00	
03/07/2011	Review Supplemental Authority	BC	.5	125.00	
03/08/2011	Review McDonald Response to Supplemental Authority	BC	.5	125.00	
03/09/2011	Travel to Denver	BC	3	750.00	
03/10/2011	Review County letter and response; attorney conference re: same	AB	.2	50.00	
03/10/2011	Attend Oral Argument on Appeal; conference with McDonald, Collins, et al.; travel from Denver to Cheyenne	BC	4	1,000.00	
03/22/2011	Lodging in Denver - Hotel Monaco				223.10
03/31/2011	Reimbursement for Travel to Denver on 3/9/11				188.19
03/31/2011	Reimbursement for Travel from Denver to Cheyenne on 3/10/11				52.02
09/14/2011	E-mail McDonald re: Attorneys Fees Motion	BC	.3	75.00	
11/18/2011	Review Order Allowing Reply re: Attorneys Fees	BC	.2	50.00	
02/22/2012	Review 10th Circuit Decision; e-mails with Laughlin McDonald	BC	3	750.00	
02/23/2012	Review Decision and confer with attorneys	AB	1.3	325.00	
02/23/2012	Attorney conference re: 10th Circuit Decision; e-mails with McDonald re: Fee Petition	BC	1.5	375.00	
02/23/2012	Organize, review time records for Supplement to Fee Petition; review McDonald hybrid plan memo	BC	2.7	675.00	
02/24/2012	E-mail L. McDonald re: impact of decennial redistricting, hybrid plan possibilities	BC	.5	125.00	
02/29/2012	Postage Charges for February				7.50
03/05/2012	E-mail McDonald re: Motion to Remand; review Motion	BC	.5	125.00	
03/08/2012	E-mail McDonald re: County Response to 10th Circuit Decision	BC	.5	125.00	

<u>Date</u>	<u>Memo</u>	<u>Atty</u>	<u>Hrs</u>	<u>Fees</u>	<u>Costs</u>
03/15/2012	Review mandate	BC	.1	25.00	
				<u>28,575.00</u>	<u>1,976.23</u>
				Total Fees:	
				<u>28,575.00</u>	
				Total Costs:	<u>1,976.23</u>
				Total Fees and Costs:	<u><u>30,551.23</u></u>

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FREMONT COUNTY, WYOMING, et al.,)	
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Defendants,)	
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SUPPLEMENTAL DECLARATION OF LAUGHLIN MCDONALD

1. My name is Laughlin McDonald, one of the attorneys for the Plaintiffs. I submit this supplemental declaration in support of Plaintiffs' motion for costs and attorney fees.

2. Time and Labor Required. Attached hereto as Exhibit 1 is a statement of hours (134.4) and services which I rendered in this case since August 12, 2010, which includes work done on appeal. All segments of time are identified as to the nature of the work performed. I personally prepared Exhibit 1 based upon a review of my contemporaneous time records, the

pleadings, correspondence, and the entire record, and believe it to be true and correct. I further certify that the work performed was reasonably necessary to the preparation and presentation of the case.

3. Expenses Incurred. Attached hereto as Exhibit 2 is a list of expenses (\$514.16) I incurred on behalf of the Plaintiffs in this litigation since August 12, 2010. The list was prepared based upon my regular office business records, and the expenses were necessarily and reasonably incurred in providing representation to the Plaintiffs. Bills and/or receipts for costs are available and will be provided Defendants and the Court upon request.

4. I incorporate herein by reference thereto my prior declaration, Doc. #158-1.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 10, 2012, at Atlanta, Georgia.

s/Laughlin McDonald

LAUGHLIN MCDONALD

EXHIBIT 1

Large v. Fremont County: Laughlin McDonald, Attorney Hours Since August 12, 2010

<u>Date</u>	<u>Tasks</u>	<u>Hours</u>
<u>2010</u>		
8-16	Review fee documents & send e-mails to co-counsel	1.5
8-18	Review revised redistricting plan, TC co-counsel to discuss plan	1.25
8-19	Draft letter to defendants' counsel, e-mails to co-counsel, letter to Brian Varn	2.25
8-20	Serve fee motion on counsel, TC Scott Detamore re fee motion	1.0
8-23	Fax report to Richard Rideout and Detamore, e-mail co-counsel	.5
8-24	E-mails & TCs with co-counsel re fee motion	.75
9-9	E-mail Rideout re fees	.1
9-10	Prepare appearance form & certificate of interested parties for appeal; Research cases implementing mixed plans to remedy a Section 2 violation	.75 1.5
9-13	Research cases and write brief re remedial plans	1.75
9-17	TC Rideout re fees	.1
9-23	Prepare documents for costs and fees	2.75
9-29	Draft letter to WY legislative committee re pending bill authorizing mixed plans for county commissions	1.75
9-30	Edits to letter to WY legislative committee	1.5
10-1	Read def. motion for extension of time and prepare response	.25
10-4	TC plaintiffs and co-counsel re pending state legislation authorizing mixed plans for county commissions	1.5
10-5	Send letter to WY legislative committee & TC counsel	.6
10-14	Participate in Court of Appeals mediation	1.5
10-25	Review DOJ objections to hybrid redistricting plans & prepare brief	1.5

11-1	Read def. brief, review local and federal rules, and prepare responsive brief	3.75
11-2	Prepare appellees' responsive brief	8.0
11-3	Prepare appellees's responsive brief	6.25
11-4	Prepare appellees's responsive brief	7.0
11-5	Prepare appellees's responsive brief; TC with plaintiffs and co-counsel re appeal	7.25 .75
11-6	Prepare appellees's responsive brief	1.5
11-7	Prepare appellees's responsive brief	2.25
11-8	Prepare appellees's responsive brief	7.5
11-9	Prepare appellees's responsive brief	3.0
11-10	Prepare appellees's responsive brief	.75
11-16	Prepare appellees's responsive brief	2.5
11-17	Prepare appellees's responsive brief	2.5
11-20	Prepare summary of argument & review local rules	3.75
11-22	Prepare appellees's responsive brief	3.75
11-23	Prepare appellees's responsive brief	2.0
11-27	Prepare appellees's responsive brief	1.25
12-3	Write letter to court of appeals re oral argument	.25
12-14	Prepare reply to def. response to fee motion and prepare motion for leave to file a reply brief	5.75
12-15	Edit reply brief	.1
12-16	Prepare motion and reply to def. response to fee motion, and e-mail co-counsel	1.25

2011

2-23	Read def. reply brief and prepare for oral argument	3.5
2-24	Prepare for oral argument	4.25
2-25	Prepare for oral argument	3.0
3-1	Prepare for oral argument	3.5
3-4	Moot court and prepare for oral argument	1.5
3-8	Write letter to court re state law amendment	1.5
3-9	Travel to Denver for oral argument; Prepare for oral argument	5.0 1.75
3-10	Oral argument and preparation; Travel to Atlanta	2.5 8.0
9-8	Prepare attorney hours since August 12, 2010	1.5
9-13	Prepare supplemental fee declaration	1.0
9-14	Prepare motion to transfer determination of costs and fees	1.25

2012

2-22	Read opinion of court of appeals, review motion to transfer cost and fee determination to district court, e-mail co-counsel	1.5
2-23	Review supplemental declaration, compute additional attorney hours	.75
Total Hours:		134.4

EXHIBIT 2

Payee	Date	Amount	Purpose	Case	Case code	Attorney
American Express expenses						
Airtran Airways	2/11/2011	\$289.40	travel to argument in CO	Large v. Fremont Co.	SW02	McDonald
American Express	2/11/2011	\$7.00	fee for travel to argument	Large v. Fremont Co.	SW02	McDonald
Super Shuttle (to city)	3/9/2011	\$19.00	travel to city from airport	Large v. Fremont Co.	SW02	McDonald
Brown Place dinner	3/9/2011	\$41.00	dinner	Large v. Fremont Co.	SW02	McDonald
Chef Jimmy's Bistro dinner	3/10/2011	\$7.73	lunch	Large v. Fremont Co.	SW02	McDonald
Chef Jimmy's Bistro lunch	3/10/2011	\$15.36	dinner	Large v. Fremont Co.	SW02	McDonald
Super Shuttle (to Airport)	3/11/2011	\$22.00	travel to airport from city	Large v. Fremont Co.	SW02	McDonald
Comfort Inn	3/11/2011	\$112.67	lodging	Large v. Fremont Co.	SW02	McDonald