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Attorney for Defendants

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

JAMES E. LARGE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 05-CV-270J
	)	
FREMONT COUNTY, WYOMING, et al.,	)	
	)	
Defendants.	)	

**DEFENDANTS’ REPSONSE IN OPPOSITION TO PLAINTIFFS’ SUPPLEMENTAL  
MOTION FOR COSTS AND ATTORNEY’S FEES**

COME NOW the Defendants, Board of Commissioners of Fremont County, Wyoming, in their official capacities and Julie Freese in her official capacity as County Clerk, and submit their Response in Opposition to Plaintiffs’ Supplemental Motion for Costs and Attorney’s Fees.

Defendants agree that the Plaintiffs are the prevailing parties in this lawsuit and are entitled to their reasonable costs and attorneys’ fees pursuant to 42 U.S.C. §§1973(e) and 1988. Defendants further agree that there are no special circumstances that exist that would render an award in and of itself unjust.

However, for the reasons stated in their prior Response in Opposition to Plaintiffs’ Motion for Costs and Attorney’s Fees, Defendants object to the hourly rates being sought by the attorneys and to some of the actual time and expenses being requested.

As previously argued, the Plaintiffs' attorneys' fees should be based upon fees regularly and customarily charged within Wyoming Courts. Mr. McDonald should be allowed a rate between \$250.00 to \$300.00 per hour, and Mr. Baldwin, Ms. Crocker, and Ms. Millard should be allowed a rate within the average range of \$135.00 and \$200.00 per hour.

Again, several of the tasks performed by the attorneys at Baldwin & Crocker, P.C., included review of documents already produced by lead counsel Mr. McDonald, and those charges should be reduced accordingly or disallowed altogether.

Additionally, travel time should be billed at a reduced rate as Plaintiffs do not allege that they performed work during these travel hours. Plaintiffs' attorneys are also requesting fees for time spent on clerical activities which could have been delegable to paralegals or non-professional assistants. Such activities include preparing billing and fee declarations. Defendants request that the Court either disallow such hours or bill them at a lesser rate.

Plaintiffs' counsel also billed for hours spent drafting and editing a letter to the state legislative committee regarding a pending bill to be presented to the Legislature. As this consisted of legislative activity rather than legal work, Defendants request that the Court disallow such hours.

Baldwin, Crocker, and Millard's attendance at the oral arguments in on March 10, 2011 was duplicative of Mr. Laughlin's attendance, and their fees and cost for such should be disallowed.

WHEREFORE, for the reasons stated above and in Defendants' prior Response, Defendants respectfully pray that this Court review the billable hours and expenses submitted by the Plaintiffs' attorneys and reduce the fees and expenses as requested by the Defendants.

Respectfully submitted this 25<sup>th</sup> day of May, 2012.

/s/ Jodi A. Darrough

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**CERTIFICATE OF SERVICE BY CM-ECF**

I hereby certify that a true and correct copy of the foregoing **DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' SUPPLEMENTAL MOTION FOR COSTS AND ATTORNEY'S FEES** was served by electronic means through this Court's CM-ECF system, on the 25<sup>th</sup> day of May, 2011 to the following parties:

Laughlin McDonald  
Brian Sells  
American Civil Liberties Union Foundation, Inc.  
2725 Harris Tower  
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/s/ Jodi A. Darrough