

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<p>RUBY FREEMAN, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>RUDOLPH W. GIULIANI,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 1:21-cv-03354 (BAH)</p> <p>Judge Beryl A. Howell</p>
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**PLAINTIFFS’ SUBMISSION DETAILING THE COSTS AND FEES INCURRED IN  
PREPARING AND FILING PLAINTIFFS’ MOTION FOR DISCOVERY SANCTIONS**

On August 30, 2023, the Court granted Plaintiffs’ Motion for Discovery Sanctions against Defendant Giuliani for his failure to preserve electronic evidence (ECF No. 81) (the “Sanctions Motion” or the “Motion”). ECF No. 93. The Court granted the Sanctions Motion “in the form of default judgment and an award for attorneys’ fees and costs associated with filing the motion,” and further directed Plaintiffs to “submit their costs and attorneys’ fees incurred in preparing and filing the Motion” by September 8, 2023. ECF No. 93 at 1-2. Plaintiffs respectfully submit the relevant costs and fees and requesting an award as detailed below.<sup>1</sup>

**I. FACTUAL BACKGROUND**

As the Court is well aware, Defendant Giuliani has spent over a year failing to fulfill his most basic discovery obligations, and his obfuscation of the discovery process has “forced plaintiffs to waste time by wading through thousands of pages of gibberish . . . in search of some

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<sup>1</sup> The attached Declaration of Michael Gottlieb (“Gottlieb Decl.”) and Exhibit A provide a detailed accounting of the attorneys’ fees sought by Plaintiffs, including the hours billed, the work associated with those hours, the attorneys who conducted the work, and the attorneys’ reasonable hourly rates. (Gottlieb Decl.; Ex. A.)

potentially relevant evidence, while his concomitant failure to produce any meaningful discovery has similarly brought this litigation to a standstill.” Memorandum Opinion, ECF No. 94 at 44; *see also* ECF Nos. 44, 64. Defendant Giuliani has even disregarded discovery orders from this Court, including the May 31, 2023 Minute Order (the “May 31 Order”), as to which his failure to comply ultimately necessitated the Sanctions Motion.<sup>2</sup>

On June 14, 2023, pursuant to the May 31 Order, Plaintiffs filed a Combined Opposition to Defendant Giuliani’s Motion for Reconsideration of the Courts’ May 19, 2023 Minute Order and Response to Defendant’s Declaration (ECF No. 64), in which Plaintiffs requested leave to file a motion for sanctions due to Defendant Giuliani’s failure to sufficiently preserve evidence in compliance with the May 31 Order and his general discovery obligations. ECF No. 64 at 18. In a June 23, 2023 Minute Order, the Court granted Plaintiffs’ request for leave to file a motion for sanctions. On July 11, 2023, Plaintiffs filed the Sanctions Motion detailing Defendant Giuliani’s failure to adequately preserve electronic evidence, and requested that Defendant Giuliani be ordered to reimburse Plaintiffs for the cost of filing the Sanctions Motion given that his obstructive and bad-faith approach to discovery necessitated the Motion. ECF No. 81 § II. After Defendant Giuliani filed a response to the Sanctions Motion on July 25, 2023 (ECF No. 84), Plaintiffs filed their Reply in Support of the Sanctions Motion (the “Sanctions Reply”) on August 1, 2023 (ECF No. 86).

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<sup>2</sup> The May 31 Order instructed Defendant, *inter alia*, to search for and produce all materials responsive to all but two of Plaintiffs’ requests for production of documents, with the assistance of a professional vendor, and produce a privilege log specifically tailored to the searches he has performed for materials responsive to said requests.

## II. LEGAL STANDARD

“Rule 37 authorizes the court to direct that parties or attorneys who fail to participate in good faith in the discovery process pay the expenses, including attorney’s fees, incurred by other parties as a result of that failure.” Fed. R. Civ. P. 37, 1980 Notes of Advisory Committee; *see also Zhi Chen v. District of Columbia*, 839 F. Supp. 2d 7, 12 (D.D.C. 2011) (noting that sanctions for evidence spoliation “may include the assessment of fines or attorneys’ fees and costs”). As the D.C. Circuit has noted, “[t]he basic formula for calculating an attorney fee award seems straightforward: multiply the number of hours reasonably exp[en]ded in litigation by a reasonable hourly rate or lodestar.” *DL v. District of Columbia*, 924 F.3d 585, 588 (D.C. Cir. 2019) (internal quotations omitted); *see Walker v. District of Columbia*, 317 F.R.D. 600, 606 (D.D.C. 2016) (applying “lodestar method” of multiplying “a reasonable hourly rate by a reasonable number of hours expended”) (quoting *Tequila Centinela, S.A. de C.V. v. Bacardi & Co. Ltd.*, 248 F.R.D. 64, 68 (D.D.C. 2008)). “The Supreme Court has offered guidance about how to perform that calculation, explaining that ‘reasonable fees’ are those grounded in rates ‘prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.’” *DL*, 924 F.3d at 588 (quoting *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)). Pro bono counsel, who normally do not bill at hourly rates, are still “entitled to be compensated at market rates” in connection with work associated with discovery motions. *Maledo v. D.C. Jail Facility*, 252 F.R.D. 63, 65 (D.D.C. 2008) (citing *Blum*, 465 U.S. at 895 n.11); *see also Thomas v. Moreland*, No. CV 18-800 (TJK), 2022 WL 2168109, at \*6 n.4 (D.D.C. June 16, 2022) (“‘[C]ourts have rejected the contention, in situations analogous to Rule 37 sanctions, that [parties] represented on a pro bono basis are not entitled to attorneys’ fees’ or ‘should receive a reduced amount.’”) (quoting *Nat’l Laws. Guild v. Att’y Gen.*, 94 F.R.D. 616, 618 (S.D.N.Y. 1982)).

### III. ARGUMENT

Plaintiffs respectfully submit that, given the existing authorities cited *supra*, this Court has discretion to require Defendant Giuliani to pay the fees incurred by counsel for Plaintiffs at prevailing market rates in connection with both the Sanctions Motion and the Sanctions Reply.

Nonetheless, for expediency of the Court and in accord with Plaintiffs' previous submissions seeking an award of fees and costs associated with discovery motions practice, Plaintiffs here have elected to seek repayment for a *portion* of the total hours expended and fees incurred in connection with the granting of the Motion, amounting to 172.5 hours of billed time. (Gottlieb Decl. ¶ 16; Ex. A. Part I.A-B.) Applying Willkie Farr & Gallagher LLP's ("Willkie") standard rates would result in a fee award (when combined with the presumed rates applicable to counsel from Protect Democracy) of \$184,950.50, but Plaintiffs recognize that this Court has previously applied the alternative Legal Services Index ("LSI")-adjusted *Laffey* Matrix framework for fee awards, including the instant case. *See* July 13, 2023 Minute Order; ECF No. 93 at 3; *see also Eley v. District of Columbia*, 999 F. Supp. 2d 137 (D.D.C. 2013) (Howell, J.). Plaintiffs respectfully submit that this Court can and should again enter an award of fees applying the LSI-adjusted *Laffey* Matrix framework to the hours detailed in this submission and accompanying declaration.

#### A. Plaintiffs' Claimed Hours Are Reasonable.

The number of hours claimed by Plaintiffs are reasonable.<sup>3</sup> Counsel for Plaintiffs claim 106 hours in connection with drafting the Sanctions Motion and 66.5 hours in connection with drafting and filing the Sanctions Reply. (Ex. A. Part I.A-B.) This time—which Plaintiffs have

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<sup>3</sup> All hours claimed by Plaintiffs were recorded pursuant to the customary time-keeping practices utilized in other matters which counsel for Plaintiffs provide legal services. (Gottlieb Decl. ¶ 9.)

reduced from the actual total by excluding hours of certain attorneys and staff—was necessary to conduct adequate legal research and to draft well-reasoned arguments to apprise the Court of the relevant discovery dispute and its extensive history, and to respond to arguments raised by Defendant Giuliani in his July 25, 2023 response. (Gottlieb Decl. ¶¶ 15–16.) Plaintiffs have excluded from this request, and therefore are not seeking reimbursement for, any and all fees incurred by attorneys other than those listed below (or by the non-attorney staff that performed work relating to the submission of the motion).

The hours claimed by Plaintiffs also compare favorably with numbers of hours that Courts in this District have deemed reasonable for drafting comparable motions. *See, e.g., Borum v. Brentwood Vill., LLC*, No. CV 16-1723 (RC), 2020 WL 5291982, at \*6 (D.D.C. Sept. 4, 2020) (finding “112.8 hours researching and preparing two briefs, reviewing evidence, conferring with opposing counsel, and preparing to argue the motion” was reasonable, particularly in light of movants “requesting fewer than half” their total hours expended); *Robinson v. District of Columbia*, 341 F. Supp. 3d 97, 123 (D.D.C. 2018) (finding 40 hours spent on fee petition was “reasonable” and “award[ing] the full amount requested”); *McNeil v. District of Columbia*, 233 F. Supp. 3d 150, 162–63 (D.D.C. 2017) (awarding plaintiffs 50 hours in fees for work billed on prior fee proceeding); *United States v. Dynamic Visions Inc.*, 307 F.R.D. 299, 304 (D.D.C. 2015) (finding reasonable 126.5 hours billed where plaintiff had to “deal[] with Defendants’ repeated noncompliance with Plaintiff’s discovery requests and the Court’s discovery orders”).

**B. Plaintiffs’ Claimed Hourly Rates are Reasonable.**

Plaintiffs’ claimed hourly rates are also reasonable. As the Court is aware, Plaintiffs are represented by counsel from multiple firms and organizations, including Willkie and Protect Democracy. (Gottlieb Decl. ¶¶ 3, 5–13.) Consequently, counsel from Willkie and Protect Democracy routinely work together to draft filings, including the Sanctions Motion and the

Sanctions Reply. Accordingly, Plaintiffs’ reasonable claimed hourly rates differ for counsel from Willkie and counsel from Protect Democracy. (*Id.* ¶¶ 18–20; Ex. A. Part II.A-B.)

In determining whether an hourly rate is reasonable, the D.C. Circuit looks to “(1) the attorney’s billing practices, (2) the attorney’s skill, experience, and reputation and (3) the prevailing market rates in the community.” *Reed v. District of Columbia*, 843 F.3d 517, 521 (D.C. Cir. 2016) (internal quotations omitted, cleaned up) (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1107 (D.C. Cir. 1995)). As to the first factor, courts in this Circuit have held that fee applicants must “show the rates that [they] . . . ‘customarily charge[] clients’” and that “an attorney’s usual billing rate is presumptively the reasonable rate.” *12 Percent Logistics, Inc. v. Unified Carrier Registration Plan Bd.*, No. 17-CV-02000 (APM), 2020 WL 7248347, at \*2 (D.D.C. Dec. 9, 2020) (quoting *Covington*, 57 F.3d at 1103; *Kattan ex rel. Thomas v. District of Columbia*, 995 F.2d 274, 278 (D.C. Cir. 1993)). And as to the third factor, “a firm’s actual rate ‘is presumptively the market rate for its services’ given the skills, experience, and reputation of [its] attorneys.” *Wye Oak Tech. Inc. v. Republic of Iraq*, 557 F. Supp. 3d 65, 91 (D.D.C. 2021) (quoting *Adolph Coors Co. v. Truck Ins. Exch.*, 383 F. Supp. 2d 93, 98 (D.D.C. 2005)); *Yazdani v. Access ATM*, 474 F. Supp. 2d 134, 138 (D.D.C. 2007) (“[T]he best measure of what the market will allow are the rates actually charged by the two firms representing these litigants.”); *Nat’l Ass’n of Concerned Veterans v. Sec’y of Def.*, 675 F.2d 1319, 1326 (D.C. Cir. 1982) (finding “actual rate that . . . counsel can command in the market is itself highly relevant proof of the prevailing community rate”).

### **1. Willkie Farr & Gallagher LLP**

The hourly rates attached to each attorney listed for Willkie reflect the same rates that Willkie charges its clients for legal services in other matters. (Gottlieb Decl. ¶¶ 3, 19.) These rates

reflect the training, skill, experience, and reputation of the attorneys that work for the firm and align with the prevailing market rates of similarly situated law firms that practice the same type of complex federal litigation as Willkie. (*Id.* ¶¶ 3–13.) Further, Plaintiffs are submitting only a portion of the total hours expended in connection with the granting of the Sanctions Motion, justifying payment at Willkie’s customary hourly rates. (*Id.* ¶ 16.) Accordingly, the below hourly rates claimed by counsel at Willkie are “presumptively the reasonable rate[s]” applicable to this case, *12 Percent Logistics*, 2020 WL 7248347, at \*2:

- Michael J. Gottlieb – \$1,875 per hour
- Meryl C. Goverski – \$1,450 per hour
- Annie Houghton-Larsen – \$1,185 per hour
- Timothy P. Ryan – \$1,125 per hour
- John Tyler Knoblett – \$1,125 per hour
- Maggie MacCurdy – \$680 per hour
- Perri Haser – \$520 per hour

(Gottlieb Decl. ¶¶ 3, 5–10; Ex. A. Part II.A.)

## **2. Protect Democracy**

The appropriate rates for Protect Democracy’s time in this case are those listed in the LSI-adjusted *Laffey* Matrix,<sup>4</sup> which “is based on a . . . sample of rates charged by sophisticated federal-court practitioners in the District of Columbia.” *DL*, 924 F.3d at 587. Courts routinely use the LSI-adjusted *Laffey* Matrix to calculate reasonable fees for non-profit organizations in pro bono

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<sup>4</sup> See *Laffey* Matrix, <http://www.laffeymatrix.com/see.html>. The LSI-adjusted *Laffey* Matrix is routinely updated for inflation based on the Legal Services Component of the Consumer Price Index, as produced by the Department of Labor’s Bureau of Labor Statistics. See *id.*

litigation. *See Citizens for Resp. & Ethics in Wash. v. U.S. Dep't of Just.*, 80 F. Supp. 3d 1, 3–5 (D.D.C. 2015) (“agree[ing] with Judge Howell that the LSI-adjusted *Laffey* matrix” was appropriate to calculate reasonable fees for non-profit organization); *Eley*, 999 F. Supp. 2d at 159 (noting “there are clear signals . . . that some version of the *Laffey* matrix is presumptively reasonable in civil rights litigation”); *Mattachine Soc’y of Wash., D.C. v. U.S. Dep’t of Just.*, 406 F. Supp. 3d 64, 70–71 (D.D.C. 2019) (applying LSI-adjusted *Laffey* Matrix in pro bono litigation). And this Court (correctly) predicted the current rule that applying the LSI-adjusted *Laffey* Matrix in “civil rights litigation” is appropriate, *Eley*, 999 F. Supp. 2d at 159, and has continued to do so since, *see* July 13, 2023 Minute Order (awarding Plaintiffs’ attorneys’ fees applying the LSI-adjusted *Laffey* Matrix); ECF No. 93 (same).

Accordingly, the LSI-adjusted *Laffey* Matrix sets presumptively reasonable hourly rates applicable to the work conducted in this case by counsel for Protect Democracy, and pursuant to the most updated version of the LSI-adjusted *Laffey* Matrix, the below hourly rate for counsel at Protect Democracy is presumptively reasonable:

- Rachel Goodman – \$878 per hour (11–19 years of experience)
- John Langford – \$777 per hour (8–10 years of experience)
- Christine Kwon – \$538 per hour (4–7 years of experience)

(Gottlieb Decl. ¶¶ 11–13; Ex. A. Part II.A.)

### **3. Total Fee Award Requested**

The above reasonable hourly rates multiplied by the reasonable number of hours expended by Plaintiffs’ Counsel that worked on the Sanctions Motion and the Sanctions Reply results in the following reasonably claimed attorneys’ fees:

- Michael J. Gottlieb – \$19,687.50 (\$1,875 per hour times 10.5 hours)



- Meryl C. Governski – \$15,225.00 (\$1,450 per hour times 10.5 hours)
- Annie Houghton-Larsen – \$71,218.50 (\$1,185 per hour times 60.1 hours)
- Timothy P. Ryan – \$23,175.00 (\$1,125 per hour times 20.6 hours)
- John Tyler Knoblett – \$19,350.00 (\$1,125 per hour times 17.2 hours)
- Maggie MacCurdy – \$9,656.00 (\$680 per hour times 14.2 hours)
- Perri Haser – \$3,224.00 (\$520 per hour times 6.2 hours)
- Rachel Goodman – \$1,317.00 (\$878 per hour times 1.5 hours)
- John Langford – \$16,394.70 (\$777 per hour times 21.1 hours)
- Christine Kwon – \$5,702.80 (\$538 per hour times 10.6 hours)

(Ex. A. Part III.A.) Following this approach, the total reasonably claimed attorneys’ fees would amount to an award of \$184,950.50 in attorneys’ fees. *See DL*, 924 F.3d at 588.

While Plaintiffs generally would prefer an award based on standard rates, Plaintiffs also recognize that this Court has previously applied the LSI-adjusted *Laffey* Matrix, including in the instant case. In light of the pro bono nature of this representation, Plaintiffs have no objection to this Court applying the LSI-adjusted *Laffey* Matrix for all attorneys for whom Plaintiffs now claim fees. *See, e.g., Thomas*, 2022 WL 2168109, at \*4; *cf. Citizens for Resp. & Ethics in Wash.*, 80 F. Supp. 3d at 4.<sup>5</sup> This Court therefore is well within its discretion to apply the LSI-adjusted *Laffey* Matrix here. Doing so would result in the following fees:

- Michael J. Gottlieb – \$11,098.50 (\$1,057 per hour times 10.5 hours)

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<sup>5</sup> Buttressing the reasonableness of the LSI-adjusted *Laffey* Matrix is the fact that those rates are *substantially* lower than the rates typically billed by attorneys at Willkie Farr. *Thomas*, 2022 WL 2168109, at \*5 (finding LSI-adjusted *Laffey* Matrix rates to be reasonable, given that they were lower than rates billed by a major law firm); *see* Ex. A. Part II.A (listing Willkie Farr’s typical rates).

- Meryl C. Governski – \$8,158.50 (\$777 per hour times 10.5 hours)
- Annie Houghton-Larsen – \$32,333.80 (\$538 per hour times 60.1 hours)
- Timothy P. Ryan – \$11,082.80 (\$538 per hour times 20.6 hours)
- John Tyler Knoblett – \$9,253.60 (\$538 per hour times 17.2 hours)
- Maggie MacCurdy – \$6,205.40 (\$437 per hour times 14.2 hours)
- Perri Haser – \$2,709.40 (\$437 per hour times 6.2 hours)
- Rachel Goodman – \$1,317.00 (\$878 per hour times 1.5 hours)
- John Langford – \$16,394.70 (\$777 per hour times 21.1 hours)
- Christine Kwon – \$5,702.80 (\$538 per hour times 10.6 hours)

(Ex. A. Part III.B.)

\* \* \*

For the foregoing reasons, Plaintiffs respectfully move this Court to award \$104,256.50 in attorneys' fees.

Dated: September 8, 2023

**UNITED TO PROTECT DEMOCRACY**

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2023, a copy of the foregoing document was emailed to Joseph D. Sibley IV at [sibley@camarasibley.com](mailto:sibley@camarasibley.com) via ECF notifications.

Dated: September 8, 2023

*/s/ Michael J. Gottlieb*  
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THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, <i>et al.</i> ,  Plaintiffs,  v.  RUDOLPH W. GIULIANI,  Defendant.	Case No. 1:21-cv-03354 (BAH)  Judge Beryl A. Howell
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**DECLARATION OF MICHAEL J. GOTTLIEB IN SUPPORT OF PLAINTIFFS’  
SUBMISSION DETAILING THE COSTS AND FEES INCURRED IN PREPARING  
AND FILING PLAINTIFFS’ MOTION FOR DISCOVERY SANCTIONS**

I, Michael J. Gottlieb, pursuant to 28 U.S.C. § 1746 hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in the following Declaration is based on my personal knowledge.
2. I represent Plaintiffs Ruby Freeman and Wandrea’ ArShaye Moss in the above-captioned case, and submit this Declaration in support of Plaintiffs’ Submission Detailing the Costs and Fees Incurred in Preparing and Filing Plaintiffs’ Motion for Discovery Sanctions.
3. I am a Partner in Willkie Farr & Gallagher LLP’s (“Willkie”) Washington D.C. office. I serve on the firm’s Executive Committee, and serve as Co-Chair of Willkie Farr & Gallagher LLP’s Media & First Amendment Practice Group, as well as the Strategic Motions and Appeals Practice Group. As part of my practice and administrative responsibilities at the firm, I have gained familiarity with the market rates charged by law firms comparable to Willkie in terms of size, experience, and reputation.

4. Willkie Farr & Gallagher LLP is an international law firm founded in 1888, with more than 1,300 attorneys spread across thirteen offices in six countries. Willkie Farr & Gallagher LLP's litigation practice is recognized as a leader in the United States litigation market, and is ranked Band 1 by Chambers and Partners in both General Commercial Litigation and White-Collar Crime & Government Investigations Litigation. *See* Willkie Farr & Gallagher LLP Law Firm Profile, CHAMBERS AND PARTNERS, <https://chambers.com/law-firm/willkie-farr-gallagher-llp-usa-5:3674>. Willkie also has a long history of giving back to the community by serving as *pro bono* counsel for indigent clients, including prior litigation in this District involving defamation claims. In particular, Willkie Farr & Gallagher LLP has consistently been recognized by the D.C. Circuit in its annual 40 at 50: Judicial Pro Bono Recognition Event, which recognizes law firms where at least 40% of the firm's D.C. lawyers perform at least 50 hours of pro bono work a year. *See* Willkie Farr & Gallagher LLP Pro Bono, *What We Do*, <https://www.willkie.com/social-commitment/pro-bono/our-commitment>.

5. Meryl C. Governski is a Partner in Willkie Farr & Gallagher LLP's Washington D.C. office and represents Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss in the above-captioned case. She received her law degree from Georgetown University Law Center and a bachelor's degree from Cornell University. Meryl C. Governski practices complex civil litigation, including high-risk commercial class action litigation, intellectual property and contract litigation, and election litigation. She has represented clients in previous successful defamation matters litigated in federal court.

6. Annie Houghton-Larsen is a fifth-year associate in Willkie Farr & Gallagher LLP's New York City office and represents Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss in the above-captioned case. She received her law degree from Georgetown University

Law Center and a bachelor's degree from Washington University in St. Louis. Annie Houghton-Larsen practices complex civil litigation, including mergers and acquisition litigation, security class actions, government investigations and enforcement actions, and civil rights impact litigation.

7. Timothy P. Ryan is a fourth-year associate in Willkie Farr & Gallagher LLP's Washington D.C. office and represents Plaintiffs Ruby Freeman and Wandrea ArShaye Moss in the above-captioned case. He received his law degree from The George Washington University Law School and a bachelor's degree from James Madison University. Timothy P. Ryan practices complex civil litigation, including at the trial and appellate level, bankruptcy litigation, government investigations, and enforcement actions.

8. John Tyler Knoblett is a fourth-year associate in Willkie Farr & Gallagher LLP's Washington D.C. office and represents Plaintiffs Ruby Freeman and Wandrea ArShaye Moss in the above-captioned case. He received his law degree from The George Washington University Law School and a bachelor's degree from the University of Illinois Urbana-Champaign. John Tyler Knoblett practices complex civil litigation, including securities class actions, government investigations and enforcement actions, and civil rights impact litigation.

9. Maggie MacCurdy is a first-year associate in Willkie Farr & Gallagher LLP's Washington D.C. office and represents Plaintiffs Ruby Freeman and Wandrea ArShaye Moss in the above-captioned case. She received her law degree from The George Washington University Law School and a bachelor's degree from Loyola University of Chicago. Maggie MacCurdy's practice focuses on complex litigation matters.

10. Perri Haser is a first-year associate in Willkie Farr & Gallagher LLP's Washington D.C. office and represents Plaintiffs Ruby Freeman and Wandrea ArShaye Moss in the above-

captioned case. She received her law degree from Georgetown University Law Center and a bachelor's degree from Dartmouth College. Perri Haser's practice focuses on complex litigation matters.

11. Rachel Goodman is counsel at Protect Democracy and represents Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss in the above-captioned case. She received her law degree from NYU School of Law and a bachelor's degree from Yale College. Rachel Goodman leads Protect Democracy's work to combat anti-democratic disinformation through litigation, having developed and filed impact litigation for more than a decade, and additionally has litigated cutting-edge housing discrimination cases.

12. John Langford is counsel at Protect Democracy and represents Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss in the above-captioned case. He received his law degree from Yale Law School and a bachelor's degree from Oberlin College & Conservatory. His primary practice areas are First Amendment, defamation, and media litigation, and he practices complex civil litigation, including class-action litigation.

13. Christine Kwon is counsel at Protect Democracy and represents Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss in the above-captioned case. She received her law degree from Yale Law School and a bachelor's degree from Columbia University. She leads Protect Democracy's efforts to mobilize national-security leaders to defend democracy, and her primary practice areas are First Amendment, defamation, and media litigation, and she practices complex civil litigation.

14. Counsel for Plaintiffs, including the attorneys listed above, have followed the same timekeeping and billing practices in this case as is customarily followed in other legal matters. Work performed for Plaintiffs Ruby Freeman and Wandrea' ArShaye Moss is



contemporaneously recorded with brief narratives describing the work performed and the time spent on each activity to the tenth of an hour. These time entry records are maintained in the ordinary course of business by the accounting departments of Willkie Farr & Gallagher LLP and Protect Democracy.

15. Pursuant to the Court's Standing Order 5b, attached as Exhibit A to this Declaration are time entry records for work performed between June 27, 2023 and August 1, 2023 for which Plaintiffs claim fees. I have reviewed these time entry records and believe they accurately reflect the time reasonably and necessarily expended in relation Plaintiffs' July 11, 2023 Motion for Discovery Sanctions (ECF No. 81) and August 1, 2023 Reply in Support of Plaintiffs' Motion for Discovery Sanctions (ECF No. 86).

16. Part I of Exhibit A lists only the relevant subset of work performed by counsel for Plaintiffs between June 27, 2023 and August 1, 2023 for which Plaintiffs seek fees. This time expended was necessary to conduct adequate legal research and to draft well-reasoned arguments to apprise the Court of the relevant discovery dispute and its extensive history, and to respond to arguments raised by Defendant Giuliani in his July 25, 2023 response. Part I of Exhibit A does not list all tasks performed or time expended in connection with the granting of the Motion for Discovery Sanctions. It does not list all attorneys or staff at Willkie Farr & Gallagher LLP and Protect Democracy who performed work in connection with the granting of the Motion for Discovery Sanctions.

17. In total, while counsel for Plaintiffs—including attorneys other than those listed in Part I of Exhibit A—expended more than 200 hours of time in connection with the granting of the Motion for Discovery Sanctions, Plaintiffs submit only 172.5 hours for payment.

18. Part II of Exhibit A lists the reasonable hourly rates that Plaintiffs submit for the work performed and the time expended in connection with the granting of the Motion for Discovery Sanctions.

19. Part II.A of Exhibit A lists the customary hourly rates that Willkie Farr & Gallagher LLP charges clients for work on other matters. The listed hourly rates equate to the prevailing market rates for legal services provided by law firms of similar stature as Willkie Farr & Gallagher LLP. The customary hourly rates of myself, Meryl C. Governski, Annie Houghton-Larsen, Timothy P. Ryan, John Tyler Knoblett, Maggie MacCurdy, and Perri Haser are listed in Part II.A of Exhibit A.

20. Part II.B of Exhibit A lists the hourly rates of myself, Meryl C. Governski, Annie Houghton-Larsen, Timothy P. Ryan, John Tyler Knoblett, Maggie MacCurdy, Perri Haser, Rachel Goodman, John Langford, and Christine Kwon as calculated under the LSI-Adjusted *Laffey* Matrix for legal services performed between June 27, 2023 and August 1, 2023. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

21. I graduated law school in 2003 and have been out of law school for more than 20 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

22. Meryl C. Governski graduated law school in 2014 and has been out of law school for more than 8 years but fewer than 10 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

23. Annie Houghton-Larsen graduated law school in 2018 and has been out of law school for more than 4 years but fewer than 7 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

24. Timothy P. Ryan graduated law school in 2019 and has been out of law school for more than 4 years but fewer than 7 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

25. John Tyler Knoblett graduated law school in 2019 and has been out of law school for more than 4 years but fewer than 7 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

26. Maggie MacCurdy graduated law school in 2022 and has been out of law school for more than one year but fewer than 3 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

27. Perri Haser graduated law school in 2022 and has been out of law school for more than one year but fewer than 3 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

28. Rachel Goodman graduated law school in 2010 and has been out of law school for more than 11 years but fewer than 20 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

29. John Langford graduated law school in 2014 and has been out of law school for more than 8 years but fewer than 10 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

30. Christine Kwon graduated law school in 2017 and has been out of law school for more than 4 years but fewer than 7 years for purposes of applying the LSI-Adjusted *Laffey* Matrix. *See Laffey* Matrix, <http://www.laffeymatrix.com/see.html>.

31. Part III of Exhibit A lists the total amount of attorneys' fees claimed by Plaintiffs in connection with the granting of the Motion for Discovery Sanctions. Part III.A includes a table

listing the total amount of attorneys' fees claimed based on the customary hourly rates charged by Willkie Farr & Gallagher LLP and for Rachel Goodman, John Langford, and Christine Kwon, based on the LSI-Adjusted *Laffey* Matrix. Part III.B includes a table listing the total amount of attorneys' fees claimed based on the LSI-Adjusted *Laffey* Matrix.

32. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 8, 2023.

/s/ Michael J. Gottlieb  
WILLKIE FARR & GALLAGHER LLP  
MICHAEL J. GOTTLIEB  
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Washington, DC 20006  
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***Attorney for Plaintiffs Ruby Freeman and  
Wandrea' Moss***

# **EXHIBIT A**

**I. Work Performed<sup>1</sup>****A. Plaintiffs' July 11, 2023 Motion for Discovery Sanctions Against Defendant Giuliani**

<b>Date</b>	<b>Attorney</b>	<b>Narrative</b>	<b>Hours</b>
06/27/23	Michael J. Gottlieb	Attention to motion for sanctions and confer with counsel team re same (0.8).	0.8
06/27/23	Meryl C. Goverski	Review and edit draft outline of motion for sanctions (1.6).	1.6
06/27/23	Annie Houghton-Larsen	Draft motion for sanctions (1.0), legal research re same (3.8).	4.8
06/27/23	Timothy P. Ryan	Revise draft of motion for sanctions against Defendant (5.6).	5.6
06/28/23	Michael J. Gottlieb	Attention to motion for sanctions and correspondence re same (0.5).	0.5
06/28/23	Annie Houghton-Larsen	Continue to draft motion for sanctions (4.0), legal research re same (1.3).	5.3
06/28/23	Timothy P. Ryan	Revise draft of motion for sanctions against Defendant (6.2).	6.2
06/28/23	John Langford	Review and revise first draft of sanctions motion (2.5).	2.5
06/29/23	Perri Haser	Research areas of law for sanctions motion (4.2).	4.2
06/29/23	Annie Houghton-Larsen	Revise sanctions motion (1.3).	1.3
06/29/23	Timothy P. Ryan	Research case law regarding spoliation sanctions (3.0); revise draft of motion for sanctions against Defendant (2.0).	5.0
06/29/23	John Langford	Draft and revise multiple additional inserts for sanctions motion (3.1).	3.1
07/03/23	Annie Houghton-Larsen	Legal research re motion for sanctions (1.0).	1.0
07/04/23	Annie Houghton-Larsen	Continue to revise motion for sanctions (2.6).	2.6

<sup>1</sup> Counsel for Plaintiffs, including attorneys other than those listed below relating to the submission of the Sanctions Motion, billed more than 200 total hours in connection with the July 11, 2023 Motion for Discovery Sanctions and August 1, 2023 Reply in Support of Motion for Discovery Sanctions, but Plaintiffs submit only 172.5 hours here for reimbursement.

07/05/23	Annie Houghton-Larsen	Legal research re sanctions motion (0.9), correspondence re same (0.2).	1.1
07/05/23	John Langford	Draft additional content for argument and factual background sections of sanctions motion (4.7).	4.7
07/06/23	Annie Houghton-Larsen	Continue to revise motion for sanctions (4.0), correspondence re same (0.3), cite check re same (2.0).	6.3
07/06/23	John Tyler Knoblett	Conduct proofing and substantive cite-checking of Motion for Sanctions (3.5).	3.5
07/06/23	Michael J. Gottlieb	Draft/revise motion for sanctions (1.0).	1.0
07/07/23	Annie Houghton-Larsen	Continuing to finalize sanctions motion (0.6).	0.6
07/07/23	John Tyler Knoblett	Update exhibit citations in Motion for Sanctions (0.5); proof and edit Motion for Sanctions (1.0).	1.5
07/10/23	Annie Houghton-Larsen	Continuing to revise motion for sanctions, including revisions per Willkie team and co-counsel (5.0); preparing exhibits re same (0.5).	5.5
07/10/23	Michael J. Gottlieb	Review/revise motion for sanctions (1.0); confer with co-counsel team re same (0.5).	1.5
07/10/23	John Tyler Knoblett	Review and revise citations in Motion for Sanctions (1.2).	1.2
07/10/23	Perri Haser	Research on preclusion for Sanctions motion per A. Houghton-Larsen (2.0).	2.0
07/10/23	John Langford	Review and revise factual background and legal argument sections for sanctions motion (2.1).	2.1
07/11/23	Annie Houghton-Larsen	Continue to revise motion for sanctions (4.0), preparing for filing (3.0), filing re same (0.9).	7.9
07/11/23	Michael J. Gottlieb	Review/revise motion for sanctions/default judgment (2.2); edits to Gottlieb declaration (0.4); multiple emails/telecons with co-counsel team re motion and strategy for same (1.3).	3.9
07/11/23	John Tyler Knoblett	Review, edit, proof, and incorporate changes from M. Gottlieb, J. Langford, and A. Houghton-Larsen into Motion for Sanctions (4.4); coordinate with MAO regarding filing of Motion for Sanctions (0.8); finalize exhibits and Declaration for Motion for Sanctions (4.1); coordinate with A. Staron regarding proofing,	10.2

		Bluebooking, and finalizing of Motion for Sanctions (0.9).	
07/11/23	Timothy P. Ryan	Revise draft of motion for sanctions (2.3); proof and cite check motion for sanctions (1.5).	3.8
07/11/23	Rachel Goodman	Review memorandum in support of sanctions motion (1.5).	1.5
07/11/23	John Langford	Review and revise sanctions motion, accompanying declaration, proposed order, and draft new inserts for same (3.2).	3.2
<b>Subtotal for July 11, 2023 Motion for Discovery Sanctions:</b>			<b>106.0</b>

**B. August 1, 2023 Reply in Support of Plaintiffs' Motion for Discovery Sanctions  
Against Defendant Giuliani**

<b>Date</b>	<b>Attorney</b>	<b>Narrative</b>	<b>Hours</b>
07/26/23	Annie Houghton-Larsen	Begin to draft sanctions reply (4.1).	4.1
07/26/23	John Langford	Review Defendant Giuliani's response to sanctions motion and accompanying stipulations (1.1).	1.1
07/27/23	Meryl C. Governski	Review and provide feedback to motion for sanctions outline and communicate re outstanding case tasks (1.4).	1.4
07/27/23	Annie Houghton-Larsen	Draft sanctions reply motion (6.4), correspondence re same (0.4).	6.8
07/27/23	John Langford	Review proposed outline of reply in support of motion for sanctions (0.2).	0.2
07/27/23	Christine Kwon	Conduct legal and record research for discovery sanctions reply (2.2).	2.2
07/28/23	Annie Houghton-Larsen	Continue to draft sanctions reply (4.0), correspondence re same (0.3).	4.3
07/28/23	Maggie MacCurdy	Research law for Reply to Opposition to Motion for Sanctions (3.9).	3.9
07/28/23	Christine Kwon	Review and provide input on discovery sanctions reply (1.7); conduct legal and record research for discovery sanctions reply (4.1).	5.8



07/29/23	Michael J. Gottlieb	Emails re Sanctions Motion (0.3).	0.3
07/29/23	Annie Houghton-Larsen	Correspondence re draft sanctions reply (0.2).	0.2
07/30/23	Meryl C. Governski	Review and edit Reply ISO motion for sanctions (6.5).	6.5
07/30/23	John Langford	Review draft of reply in support of sanctions (1.0)	1.0
07/31/23	Michael J. Gottlieb	Review/revise sanctions reply brief, emails and calls with counsel team re same (2.5).	2.5
07/31/23	Annie Houghton-Larsen	Revise sanctions reply (2.9), correspondence re same (0.3).	3.2
07/31/23	John Tyler Knoblett	Review reply to motion for sanctions (0.8).	0.8
07/31/23	Maggie MacCurdy	Prepare materials and filing in citations for Motions for Sanctions Reply (4.0); revise draft Motion for Sanctions Reply (0.4).	4.4
07/31/23	John Langford	Review and revise reply in support of sanctions motion (1.9).	1.9
07/31/23	Christine Kwon	Review and edit draft sanctions reply brief (1.3).	1.3
08/01/23	Meryl C. Governski	Final review of reply ISO sanctions and related legal research (1.0).	1.0
08/01/23	Annie Houghton-Larsen	Finalize and file sanctions reply (5.1).	5.1
08/01/23	Maggie MacCurdy	Prepare Sanctions Reply and related Exhibits and Declaration for filing (5.9).	5.9
08/01/23	John Langford	Review and revise reply in support of sanctions motion and draft inserts re same (1.3).	1.3
08/01/23	Christine Kwon	Review and edit draft sanctions reply brief (1.3).	1.3
<b>Subtotal for August 1, 2023 Reply in Support of Motion for Discovery Sanctions:</b>			<b>66.5</b>

**II. Reasonable Hourly Rates****A. Willkie Farr & Gallagher LLP's Customary Hourly Rates**

<b>Attorney</b>	<b>Position</b>	<b>Hourly Rate</b>
Michael J. Gottlieb	Partner	\$1,875
Meryl C. Goverski	Partner	\$1,450
Annie Houghton-Larsen	Fifth-Year Associate	\$1,185
Timothy P. Ryan	Fourth-Year Associate	\$1,125
John Tyler Knoblett	Fourth-Year Associate	\$1,125
Maggie MacCurdy	First-Year Associate	\$680
Perri Haser	First-Year Associate	\$520

**B. Hourly Rates Under the LSI-Adjusted *Laffey* Matrix**

<b>Attorney</b>	<b>Years Out of Law School</b>	<b>Hourly Rate</b>
Michael J. Gottlieb	20+ years	\$1,057
Meryl C. Goverski	8-10 years	\$777
Annie Houghton-Larsen	4-7 years	\$538
Timothy P. Ryan	4-7 years	\$538
John Tyler Knoblett	4-7 years	\$538
Maggie MacCurdy	1-3 years	\$437
Perri Haser	1-3 years	\$437
Rachel Goodman	11-19 years	\$878
John Langford	8-10 years	\$777
Christine Kwon	4-7 years	\$538

**III. Total Attorneys' Fees****A. Total Attorneys' Fees Based On Willkie Farr & Gallagher LLP's Customary Hourly Rates and for Protect Democracy Attorneys, Based on the LSI-Adjusted *Laffey* Matrix.**

<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Michael J. Gottlieb	<b>10.5</b>	\$1,875	<b>\$19,687.50</b>
Meryl C. Goverski	<b>10.5</b>	\$1,450	<b>\$15,225.00</b>
Annie Houghton-Larsen	<b>60.1</b>	\$1,185	<b>\$71,218.50</b>
Timothy P. Ryan	<b>20.6</b>	\$1,125	<b>\$23,175.00</b>
John Tyler Knoblett	<b>17.2</b>	\$1,125	<b>\$19,350.00</b>
Maggie MacCurdy	<b>14.2</b>	\$680	<b>\$9,656.00</b>
Perri Haser	<b>6.2</b>	\$520	<b>\$3,224.00</b>
Rachel Goodman	<b>1.5</b>	\$878	<b>\$1,317.00</b>
John Langford	<b>21.1</b>	\$777	<b>\$16,394.70</b>
Christine Kwon	<b>10.6</b>	\$538	<b>\$5,702.80</b>

**B. Total Attorneys' Fees Based On the LSI-Adjusted *Laffey* Matrix.**

<b>Attorney</b>	<b>Hours</b>	<b>Rate</b>	<b>Fees</b>
Michael J. Gottlieb	<b>10.5</b>	\$1,057	<b>\$11,098.50</b>
Meryl C. Goverski	<b>10.5</b>	\$777	<b>\$8,158.50</b>
Annie Houghton-Larsen	<b>60.1</b>	\$538	<b>\$32,333.80</b>
Timothy P. Ryan	<b>20.6</b>	\$538	<b>\$11,082.80</b>
John Tyler Knoblett	<b>17.2</b>	\$538	<b>\$9,253.60</b>
Maggie MacCurdy	<b>14.2</b>	\$437	<b>\$6,205.40</b>
Perri Haser	<b>6.2</b>	\$437	<b>\$2,709.40</b>

Rachel Goodman	<b>1.5</b>	\$878	<b>\$1,317.00</b>
John Langford	<b>21.1</b>	\$777	<b>\$16,394.70</b>
Christine Kwon	<b>10.6</b>	\$538	<b>\$5,702.80</b>

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, <i>et al.</i> ,  Plaintiffs,  v.  RUDOLPH W. GIULIANI,  Defendant.	Case No. 1:21-cv-03354 (BAH)  Judge Beryl A. Howell
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**[PROPOSED] ORDER GRANTING PLAINTIFFS' SUBMISSION DETAILING THE  
COSTS AND FEES INCURRED IN PREPARING AND FILING  
PLAINTIFFS' MOTION FOR DISCOVERY SANCTIONS**

Upon consideration of Plaintiffs' Submission Detailing the Costs and Fees Incurred in Preparing and Filing Plaintiffs' Motion for Discovery Sanctions, Federal Rule of Civil Procedure 37, and the entire record herein, it is hereby:

**ORDERED** that the Plaintiffs' Submission Detailing the Costs and Fees Incurred in Preparing and Filing Plaintiffs' Motion for Discovery Sanctions is **GRANTED**; and it is

**FURTHER ORDERED** that Defendant Giuliani shall pay Plaintiffs \$104,256.50 in attorneys' fees; and it is

**FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

**IT IS SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Beryl A. Howell, Judge  
United States District Court for the District of Columbia