

STATE OF MINNESOTA
SPECIAL REDISTRICTING PANEL
A21-0243
A21-0546

FILED

May 17, 2022

OFFICE OF
APPELLATE COURTS

Peter S. Wattson, Joseph Mansky, Nancy
B. Greenwood, Mary E. Kupper, Douglas
W. Backstrom, and James E. Hougas III,
individually and on behalf of all citizens
and voting residents of Minnesota
similarly situated, and League of Women
Voters Minnesota,

Plaintiffs,

and

Paul Anderson, Ida Lano, Chuck Brusven,
Karen Lane, Joel Hineman, Carol
Wegner, and Daniel Schonhardt,

Plaintiff-Intervenors

vs.

Steve Simon, Secretary of State of
Minnesota; and Kendra Olson, Carver
County Elections and Licensing Manager,
individually and on behalf of all
Minnesota county chief election officers,

Defendants,

and

Frank Sachs, Dagny Heimisdottir,
Michael Arulfo, Tanwi Prigge, Jennifer
Guertin, Garrison O'Keith McMurtrey,
Mara Lee Glubka, Jeffrey Strand, Danielle
Main, and Wayne Grimmer,

Plaintiffs,

and

Dr. Bruce Corrie, Shelly Diaz, Alberder
Gillespie, Xiongpaoo Lee, Abdirazak
Mahboub, Aida Simon, Beatriz Winters,
Common Cause, OneMinnesota.org, and
Voices for Racial Justice,

Plaintiff-Intervenors,

vs.

Steve Simon, Secretary of State of
Minnesota,

Defendant.

**SACHS PLAINTIFFS' MEMORANDUM IN SUPPORT OF
MOTION FOR AN AWARD OF ATTORNEYS' FEES**

I. INTRODUCTION

In this action, Minnesota voters and residents Frank Sachs, Dagny Heimisdottir, Michael Arulfo, Tanwi Prigge, Jennifer Guertin, Garrison O'Keith McMurtrey, Mara Lee Glubka, Jeffrey Strand, Danielle Main, and Wayne Grimmer (the "Sachs Plaintiffs"), successfully argued that Minnesota's state legislative districts and congressional districts as established by the *Hippert* panel ten years ago were malapportioned in violation of the United States and Minnesota constitutions. The Sachs Plaintiffs obtained their requested relief in the form of an injunction prohibiting the continued use of the *Hippert* districts and the implementation of new congressional and legislative districts. As a prevailing party in a civil rights action which sought to protect the constitutional rights of the Sachs Plaintiffs to an undiluted vote, the Sachs Plaintiffs are thus entitled to reasonable attorneys' fees. The

Sachs Plaintiffs therefore move this Court for an award of attorneys' fees in the amount of \$383,305.

II. BACKGROUND

On April 26, 2021, the United States Secretary of Commerce delivered the results of the 2020 Census to the President. Those results indicated that as of April 2020, Minnesota's total resident population was 5,706,494, a significant increase from the State's 2010 population of 5,303,925. That same day, the Sachs Plaintiffs filed a state court action in Ramsey County, *Sachs v. Simon*, No. 62-cv-21-2213, challenging Minnesota's current state legislative and congressional districts as unconstitutionally malapportioned in light of the 2020 Census results.

Simultaneously, the Sachs Plaintiffs filed a petition requesting that the Minnesota Supreme Court assume jurisdiction over the case, consolidate it with the Wattson Plaintiffs' previously-filed action, and appoint a special redistricting panel to create and implement new state legislative and congressional district plans. The Supreme Court accepted jurisdiction but stayed the matter, in recognition of the primary duty of the Minnesota Legislature to enact new plans.

On June 6, 2021, after the Minnesota Legislature adjourned without enacting redistricting legislation, the Minnesota Supreme Court appointed a Special Redistricting Panel to hear and decide all matters in connection with the claims asserted in the *Wattson* and *Sachs* matters.

In addition to the Wattson and Sachs Plaintiffs, two other groups—the Anderson Intervenors and the Corrie Intervenors—were granted leave to intervene in the action before the Special Panel in an Order dated August 23, 2021.

Between the end of August and November 3, 2021, the Parties negotiated preliminary issues and briefed and argued motions regarding proposed redistricting principles. After the Court issued its Order on Redistricting Principles on November 18, 2021, all attention turned toward preparing proposals for new legislative and congressional districts. The Parties each submitted their proposed plans on December 7, responded to the other Parties’ plans on December 17, and presented their plans to the Panel on January 4, 2022.

On February 15, 2022, the Panel issued its final Orders adopting congressional and legislative redistricting plans. The Orders held that the districts created by the *Hippert* Panel were unconstitutional, enjoined their use in future elections, and created new districts that reflected the changing population and demographic shifts that Minnesota had experienced over the past ten years.

III. ARGUMENT

In an action enforcing the provisions of 42 U.S.C. § 1983, “the court, in its discretion, may allow the prevailing party . . . a reasonable attorney’s fee as part of the costs” 42 U.S.C. § 1988(b). “Congress’ purpose in authorizing fee awards was to encourage compliance with and enforcement of the civil rights laws, and the Act must be liberally construed to achieve these ends.” *Reome v. Gottlieb*, 361 N.W.2d 75, 77 (Minn. Ct. App. 1985) (internal quotation marks omitted). Accordingly, the statute “requires an

award of attorney fees to a prevailing party unless special circumstances would render an award unjust.” *Welsh v. City of Orono*, 355 N.W.2d 117, 124 (Minn. 1984) (citing *Newman v. Piggie Park Enters., Inc.*, 390 U.S. 400, 402 (1968)). An award of attorneys’ fees is generally appropriate in redistricting litigation, where “the political branches of government [have] fail[ed] to vindicate important rights and the affected parties must seek a judicial hearing.” *Hastert v. Ill. State Bd. of Election Com’rs*, 28 F.3d 1430, 1444 (7th Cir. 1993) (awarding attorneys’ fees to four prevailing parties in Illinois redistricting litigation). “Attorneys for successful civil rights plaintiffs should recover a fully compensatory fee.” *Shepard v. City of St. Paul*, 380 N.W.2d 140, 143 (Minn. Ct. App. 1985) (citing *Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983)).

A. The Sachs Plaintiffs prevailed on significant issues in this litigation.

A plaintiff “prevails” under § 1988 when actual relief on the merits of the claim materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiff. *Farrar v. Hobby*, 506 U.S. 103, 111–12 (1992). But a plaintiff need not prevail on each and every issue or obtain all relief sought in order to seek an award of attorneys’ fees. A party prevails so long as it “succeed[s] on any significant claim affording it some of the relief sought.” *Am. Dog Owners Ass’n v. City of Minneapolis*, 453 N.W.2d 69, 72 (Minn. Ct. App. 1990) (citation omitted); *see also Hensley*, 461 U.S. at 433. Consistent with these principles, past Minnesota Special Redistricting Panels recognized that plaintiffs “prevailed” under § 1988(b) when redistricting litigation resulted in new congressional and legislative districts that corrected population disparities. *See Special Redistricting Panel Order Awarding Attorney Fees at*

2–5 (Aug. 16, 2012); Special Redistricting Panel Order Awarding Attorney Fees at 4 (Oct. 16, 2002).

The Sachs Plaintiffs prevailed on significant issues throughout this litigation. The Sachs Plaintiffs brought this action to vindicate their constitutional right to an undiluted vote under the United States and Minnesota constitutions, and they requested that the Court enjoin the further use of the *Hippert* districts and implement new state legislative and congressional district plans that complied with constitutional requirements. The Sachs Plaintiffs were successful in obtaining a judicial determination that the legislative and congressional districts drawn in *Hippert* were unconstitutionally malapportioned. Moreover, the Sachs Plaintiffs obtained their requested relief, as the Panel enjoined the use of the prior districts in future elections and adopted new state legislative and congressional redistricting plans. *See* Final Order Adopting a Legislative Redistricting Plan at 5, 18 (Feb. 15, 2022); Final Order Adopting a Congressional Redistricting Plan at 5, 19 (Feb. 15, 2022). The adoption of new redistricting plans was the entire basis of the suit and the only relief sought, and thus the Sachs Plaintiffs are a prevailing party.

In addition, although the Panel did not adopt any Party’s proposed redistricting plan in its entirety, the Sachs Plaintiffs prevailed on a number of significant issues throughout the litigation, several of which are listed here:

Redistricting Criteria

- The Panel adopted the Sachs Plaintiffs’ request for a separate principle stating that American Indian reservations should not be divided more than “necessary to meet constitutional requirements,”

rejecting the Anderson Plaintiffs’ proposal to treat reservations like political subdivisions.¹

- The Panel adopted the Sachs Plaintiffs’ position that compactness should be a separate principle, rejecting the Anderson Plaintiffs’ argument that compactness should be considered alongside convenience and contiguity.²
- At the urging of the Sachs Plaintiffs and others, the Panel rejected proposals by the Secretary of State and the Wattson Plaintiffs to engage in express measuring and weighing of partisan considerations and calculations.³
- Accepting the Sachs Plaintiffs’ argument, the Panel rejected proposals by the Secretary and the Wattson Plaintiffs to formally rank redistricting criteria in order of importance.⁴

¹ See Sachs Plaintiffs’ Proposed Redistricting Principles at 4, 7–8 (“Sachs Principles”); Anderson Plaintiffs’ Response to Proposed Redistricting Principles at 7–8 (“Anderson Response”); Order Stating Preliminary Conclusions, Redistricting Principles, and Requirements for Plan Submissions at 14–15 (“Principles Order”).

² See Sachs Principles at 24–25; Anderson Response at 17–20; Principles Order at 7, 15.

³ See Sachs Plaintiffs’ Response to Proposed Redistricting Principles at 15–16 (“Sachs Response”); Secretary’s Proposed Redistricting Principles at 4, 7 (“Secretary Principles”); Wattson Plaintiffs’ Proposed Congressional and Legislative Districting Principles, Ex. A (“Wattson Principles”); Principles Order at 8.

⁴ See Sachs Response at 17; Wattson Principles, Ex. A; Secretary Principles at 4, 7; Principles Order at 5.

Congressional Plan

- The Panel added the Counties of Goodhue and Wabasha to the First Congressional District—a natural expansion which had been proposed by the Sachs Plaintiffs and reflected the strong testimony in favor of these additions at the public hearings.⁵
- In the Second Congressional District, the Panel added portions of Woodbury that shared school districts with the communities to the south and retained Northfield and its two colleges within the district, as urged by the Sachs Plaintiffs.⁶
- In the Third Congressional District, the Panel added additional portions of Edina to the District and kept the City of Osseo intact, as proposed by the Sachs Plaintiffs.⁷
- In the Fourth Congressional District, the Panel maintained the historic divide between St. Paul and Minneapolis, and kept the city of Maplewood intact, as proposed by the Sachs Plaintiffs.⁸
- In the Fifth Congressional District, the Panel kept Minneapolis intact and adjusted for population changes by moving Hopkins and portions

⁵ See Sachs Plaintiffs’ Memorandum in Support of Motion to Adopt Proposed Congressional Redistricting Plan at 17-18 (“Sachs Congressional Plan”).

⁶ *Id.* at 19-20.

⁷ *Id.* at 21-22.

⁸ *Id.* at 22.

of Edina to the Third, which was similar to how the Sachs Plaintiffs proposed adjusting the district.

- In the Sixth Congressional District, the Panel created a more compact district that no longer stretches to the Wisconsin border—a change recommended by the Sachs Plaintiffs.⁹ In addition, the Panel declined to split up the City of St. Cloud, as proposed by some Parties, and instead kept it whole within the Sixth, as urged by the Sachs Plaintiffs.¹⁰
- In the Seventh Congressional District, the Panel recognized the continued distinction between northwest and northeast Minnesota—a point made by the Sachs Plaintiffs.¹¹
- Finally, in the Eighth Congressional District, the Panel shifted the district south, which was a move urged by the Sachs Plaintiffs.¹²

Legislative Plan

On the whole, the Panel’s final legislative plan reflects the two central tenets of the Sachs Legislative Plan. First, the Panel recognized the distinct interests of urban versus rural communities, as urged by the Sachs Plaintiffs, and respected these distinctions not

⁹ *Id.* at 14-15.

¹⁰ *Id.* at 24; Sachs Plaintiffs’ Response to Parties Proposed Congressional Redistricting Plans at 15-16.

¹¹ Sachs Congressional Plan at 24-25.

¹² *Id.* at 27-28.

only in the Twin Cities metropolitan area, but also around population hubs in Greater Minnesota like Duluth, Moorhead, St. Cloud, Mankato, and Rochester.¹³ Second, the Panel placed considerable emphasis on crafting districts that reflect the significant demographic shifts that Minnesota has experienced over the past decade, including the fact that growth across the state has been driven almost entirely by minority communities. This was also a central tenet of the Sachs Legislative Plan, as well as the Corrie Legislative Plan.¹⁴ The number of majority-minority and minority-opportunity districts in the final plan came very close to the numbers in the Sachs Legislative Plan.

Of course, it is challenging to make a one-to-one comparison of each legislative district, but the following specific decisions by the Panel also reflect the Sachs Plaintiffs' proposed legislative plan:

- Perhaps most notably, for the first time, the Panel created a Senate District containing all of the contiguous land and entire population of the three largest reservations in Minnesota—the Leech Lake Band, the White Earth Band, and the Red Lake Nation. The Sachs Plaintiffs proposed a very similar Senate District that also contained these three reservations.¹⁵

¹³ Sachs Plaintiffs Memorandum in Support of Motion to Adopt Proposed Legislative Redistricting Plan at 1-2 (“Sachs Legislative Plan”).

¹⁴ *Id.* at 2, 7-10; Final Order Adopting a Legislative Redistricting Plan at 12.

¹⁵ Sachs Legislative Plan at 10-11.

- The Panel continued to pair Detroit Lakes with Moorhead, as proposed by the Sachs Plaintiffs, in recognition of the community of interest that exists in that region.¹⁶
- In response to public testimony, the Sachs Plaintiffs urged the panel to keep Otter Tail and Todd Counties whole.¹⁷ The Panel’s final map honored that request.
- Like the Sachs Legislative Plan, the Panel kept the City of St. Cloud intact within one Senate District and two House Districts, and it created a House District that nearly reached the minority opportunity district threshold. In addition, as the Sachs Plaintiffs suggested in response to public testimony, part of St. Joseph was drawn into the district with St. Cloud.¹⁸
- The Panel kept Austin and Albert Lea in one Senate District, which was a suggestion that the Sachs Plaintiffs made in order to unite the Latinx populations in these cities.¹⁹
- The Panel kept the entire City of Northfield whole, which the Sachs Plaintiffs had suggested in response to public testimony.²⁰

¹⁶ *Id.* at 15-16.

¹⁷ *Id.* at 16-17.

¹⁸ *Id.* at 18.

¹⁹ *Id.* at 22.

²⁰ *Id.* at 19-20.

- The Panel fixed the districts around Coon Rapids in order to ensure that each district was traversable, which was a point urged by the Sachs Plaintiffs. In response to public testimony, the Sachs Legislative Plan also proposed separating Coon Rapids from Champlin, and the final plan from the Panel puts these cities in different districts.²¹
- In the north/northeastern suburbs, the Panel created numerous minority opportunity districts with the cities of Brooklyn Park, Osseo, Brooklyn Center, Fridley, and Columbia Heights. The Sachs Legislative Plan proposed seven opportunity House Districts in this region, and the final Plan created six.²²
- In the Twin Cities, the Sachs Legislative Plan contained six minority opportunity House Districts in Minneapolis and five in St. Paul, which is the same number created by the final Plan.²³

Although, as noted, the Panel did not adopt any Party’s map in its entirety, it is clear that various aspects of the Sachs Plaintiffs’ congressional and legislative plans were reflected in the final maps adopted by the Panel. Accordingly, the Sachs Plaintiffs are a “prevailing party” under § 1988.

²¹ *Id.* at 34.

²² *See* Sachs Plaintiffs Response to Parties’ Proposed Legislative Redistricting Plans at 6-7.

²³ *See id.* at 8.

B. The Sachs Plaintiffs’ requested attorneys’ fees are reasonable.

Courts recognize that “[a]ttorneys for successful civil rights plaintiffs should recover a fully compensatory fee.” *Shepard*, 380 N.W.2d at 143. To determine a reasonable fee, courts calculate the “lodestar” figure, which involves “multiplying the number of hours reasonably expended on the case by the reasonable hourly rates.” *M.B. by Eggemeyer v. Tidball*, 18 F.4th 565, 568 (8th Cir. 2021) (internal quotation marks and citation omitted); see *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 551 (2010) (referring to the lodestar figure as the “guiding light” of the Supreme Court’s fee-shifting jurisprudence). In evaluating the reasonableness of rates and hours worked, a court should consider “all relevant circumstances,” including “the time and labor required; the nature and difficulty of the responsibility assumed; the amount involved and the results obtained; the fees customarily charged for similar legal services; the experience, reputation, and ability of counsel; and the fee arrangement existing between counsel and the client.” *Milner v. Farmers Ins. Exch.*, 748 N.W.2d 608, 621 (Minn. 2008) (citation omitted); see also *McDonald v. Armontrout*, 860 F.2d 1456, 1458–59 (8th Cir. 1988). There is a “strong presumption” that the lodestar amount is reasonable. *Milner*, 748 N.W.2d at 624; see *M.B.*, 18 F.4th at 569.

1. Reasonable Hourly Rate

Reasonable fees under § 1988 are to be calculated according to the prevailing market rates in the relevant community. *Shepard*, 380 N.W.2d at 143 (citing *Blum v. Stenson*, 465 U.S. 886, 895 (1984)). The requested rates should be “in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill,

experience, and reputation.” *McDonald*, 860 F.2d at 1458–59 (citation omitted). In certain cases, a “national market or a market for a particular legal specialization may provide the appropriate market.” *Casey v. City of Cabool*, 12 F.3d 799, 805 (8th Cir. 1993) (citation omitted). Fees are based on market standards so that “attorneys are paid the full value that their efforts would receive on the open market in non-civil-rights cases,” not less because of the interests they represent. *Hensley*, 461 U.S. at 447.

The hourly rates requested by the Sachs Plaintiffs are reasonable. The rates charged by counsel in this case were at or below the customary fees charged by each attorney. Each of the attorneys involved in this matter has significant experience in political and election law matters in Minnesota, and the attorneys from the Elias Law Group LLP have particular experience with redistricting litigation in Minnesota and across the country. The hourly rates requested are set forth in detail in the accompanying Affidavits of Charles N. Nauen and Ben Stafford. Importantly, the attorneys from the Elias Law Group LLP (“ELG”) have reduced their rates to match those of the Lockridge Grindal Nauen PLLP (“LGN”) attorneys and are not requesting an out-of-market rate.²⁴

The ELG team was led by Abha Khanna, who is a partner at ELG and oversees the firm’s redistricting practice. She is recognized as a national expert in redistricting and has been involved in redistricting litigation for over a decade, including in more than a dozen

²⁴ ELG was established in September 2021 and is comprised of many lawyers who formerly worked at Perkins Coie LLP, including while representing the Sachs Plaintiffs in this matter. Counsel from ELG are only requesting fees for time spent after the transition to the new firm and have not submitted any requests for time spent on this matter while at Perkins Coie LLP.

states regarding the 2020 Census and in numerous matters before the United States Supreme Court. Ms. Khanna's hourly rate sought is reasonable given her specialized knowledge and experience in redistricting matters throughout the country.

Ben Stafford is also a partner at ELG and served as the primary partner on this case. He likewise has significant redistricting and election law experience, including as one of the attorneys for voter-intervenors in litigation regarding Minnesota's 2010 redistricting cycle. Mr. Stafford has litigated many civil actions in federal and state courts in Minnesota and across the country, including redistricting matters in Minnesota, Ohio, North Carolina, and Virginia, making his hourly rate sought also reasonable.

Ms. Khanna and Mr. Stafford were assisted by fifth-year associate Jonathan Hawley and fourth-year associate Jyoti Jasrasaria, both of whom have significant redistricting and election law experience in Minnesota and nationally. A handful of other attorneys at ELG completed discrete tasks and provided limited counsel in this matter. All of these attorneys specialize in election law. These attorneys include partner Marc Elias, a recognized national expert in political and election law; Elisabeth Frost, chair of ELG's litigation practice; Daniel Osher, an associate with seven years of experience; Henry Brewster, an associate with seven years of experience; and Joseph Posimato, an associate with five years of experience. Each of their hourly rates sought is reasonable in this case given their extensive experience litigating voting rights and redistricting cases. All attorneys adjusted their usual rates downward, as set forth in the accompanying affidavit of Ben Stafford.

Lead Minnesota counsel in this case was Charles Nauen, a partner at LGN. Mr. Nauen has significant experience in political and election law, as well as in complex public

litigation. He has represented numerous parties before the Minnesota Supreme Court in election law matters such as election contests, high-profile recounts—including those involving Senator Al Franken and Governor Mark Dayton—and countless 204B.44 petitions to correct errors and omissions on the ballot. He has also spent his career representing public entities, including Minneapolis, Ramsey County, Hennepin County, and the Metropolitan Council, and understands the unique concerns involved when representing the interests of the public. Mr. Nauen’s experience and prominence in the field of political and election law in Minnesota make his hourly rate reasonable.

Mr. Nauen was assisted by David Zoll, a partner at LGN. Mr. Zoll also has more than 15 years of experience working on political and election law matters and representing public entities in state and federal court. Mr. Nauen and Mr. Zoll were further assisted by Rachel Kitze Collins, a senior associate at LGN. Ms. Kitze Collins has worked on political and election law matters and has represented public entities alongside Mr. Nauen and Mr. Zoll for the past seven years, and she is a former Eighth Circuit clerk. In addition to this core team, David Hahn, a junior associate at LGN and a former clerk to both an Eighth Circuit judge and a District of Minnesota judge, assisted with research and drafting. The rates sought by these attorneys are commensurate with their experience and skill, and are reasonable rates in the Minnesota market.

2. Reasonable Hours Expended

The Court has discretion to award attorneys’ fees for all hours reasonably expended upon finding that the “[p]laintiff attained the principal of his objectives sufficiently” to justify the time spent by counsel on all claims. *Reome*, 361 N.W.2d at 79. “Where a lawsuit

consists of related claims, a plaintiff who has won substantial relief should not have his attorney's fee reduced simply because the district court did not adopt each contention raised." *Id.* at 78 (quoting *Hensley*, 461 U.S. at 440).

The Sachs Plaintiffs seek a total of 780.6 hours in legal fees. This figure is reasonable in light of the complexity and importance of this case. Redistricting cases are unusually fact-intensive. An extensive record was compiled at public hearings before the legislature, the public hearings held by the Court, and the hundreds of pages of written submissions received by the Panel, all of which counsel reviewed thoroughly and relied upon throughout the extensive briefing and argument required in this case. Counsel were also required to develop granular knowledge of the intricate and detailed redistricting plans submitted by the four Parties, as well as by the DFL House Caucus and the Republic Senate Caucus, and master the minute yet significant differences between them, in order to effectively advocate for the Sachs Plaintiffs' position in this complex case.

The Sachs Plaintiffs have also undertaken a detailed review of their time records and have eliminated charges that could be perceived as duplicative. Attorney work responsibilities were carefully divided between ELG and LGN, as well as among attorneys within each firm. ELG was primarily responsible for the briefing and argument associated with the Sachs Congressional Plan, while LGN was primarily responsible for the briefing and argument associated with the Sachs Legislative Plan. This allowed individual attorneys to focus in detail on particular maps and arguments, and to avoid duplication in work. Finally, no time spent preparing this motion for fees or reviewing other fee briefs is

included in the Sachs Plaintiffs’ time records. Neither ELG or LGN is seeking any costs associated with these proceedings.

The Sachs Plaintiffs obtained the relief they requested—a declaration that the *Hippert* districts were unconstitutionally malapportioned and an injunction precluding their use in future elections. Moreover, although no Party had its plan adopted in total, as discussed above, the principles and plans adopted by the Panel followed the Sachs Plaintiffs’ proposed principles and plans in many significant respects. The Sachs Plaintiffs thus were successful in obtaining “substantial relief” on their claims, and the hours submitted by counsel for the Sachs Plaintiffs are reasonable.

3. Calculation of Fees Requested

Elias Law Group LLP

<u>Attorney</u>	<u>Rate</u>	<u>Hours Expended</u>	<u>Fees Requested</u>
Marc Elias	\$750	5.2	\$3,900.00
Abha Khanna	\$600	20.7	\$12,420.00
Elisabeth Frost	\$600	2.3	\$1,380.00
Ben Stafford	\$600	54.9	\$32,940.00
Daniel Osher	\$425	5.3	\$2,252.50
Henry Brewster	\$425	6.7	\$2,847.50
Jonathan Hawley	\$400	189.9	\$75,960.00
Jyoti Jasrasaria	\$375	23.7	\$8,887.50
Joseph Posimato	\$375	2.0	\$750.00
ELG Subtotal		310.7	\$141,337.50

Lockridge Grindal Nauen P.L.L.P.

<u>Attorney</u>	<u>Rate</u>	<u>Hours Expended</u>	<u>Fees Requested</u>
Charles Nauen	\$700	106	\$73,940.00
David Zoll	\$575	169.0	\$97,175.00
Rachel Kitze Collins	\$375	165.10	\$61,912.50
David Hahn	\$300	29.8	\$8,940.00
LGN Subtotal		469.9	\$241,967.50

IV. CONCLUSION

For the foregoing reasons, the Sachs Plaintiffs respectfully request that the Panel grant their Motion for an Award of Attorneys' Fees and require Defendants to pay such fees in the amount of \$383,305.

Dated: May 17, 2022

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Respectfully submitted,

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