

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

HODES & NAUSER, M.D.'s, P.A.,)
HERBERT C. HODES, M.D., and)
TRACI LYNN NAUSER,)
Plaintiffs,)
and)
) Case No. 11-2365-CM-KMH
CENTRAL FAMILY MEDICAL, LLC)
dba AID FOR WOMEN, and)
RONALD N. YEOMANS, M.D.,)
Plaintiffs/Intervenors,)
)
v.)
)
ROBERT MOSER, M.D., in his official capacity)
as Secretary of the Kansas Department of)
Health and Environment)
STEPHEN HOWE, in his)
official capacity as District Attorney of Johnson)
County; and DEREK SCHMIDT, in his official)
capacity as Attorney General for the State of)
Kansas,)
Defendants.)

**MOTION TO JOIN IN MEMORANDUM OF LAW REGARDING
ATTORNEYS' FEES AND EXPENSES FILED BY
HODES & NAUSER, P.A. AND DRS. HODES AND NAUSER**

Plaintiffs-Intervenors Central Family Medical, LLC and Dr. Ronald Yeomans, by and through their counsel, hereby move this Honorable Court to enter an Order allowing them to join in Plaintiffs' Memorandum of Law in Support of Motion for Attorneys' Fees and Expenses, Doc. #102. The legal arguments supporting an award of attorneys' fees and expenses have been fully and capably briefed by Plaintiffs' counsel, and there is no

need to reiterate those arguments and authorities here. Plaintiffs-Intervenors, who are similarly situated to Plaintiffs in many respects, seek to join in Plaintiffs' arguments and incorporate them in full in support of their request for attorneys' fees and expenses.

In an effort to avoid duplication and conduct this litigation as efficiently and cost effectively as possible, counsel for Plaintiffs-Intervenors have worked cooperatively with Plaintiffs' counsel when the parties' interests have been aligned. Plaintiffs-Intervenors have moved to join in several of Plaintiffs' pleadings and motions. The fact that Plaintiffs-Intervenors have been mindful of the expenditure of resources is a strong factor supporting the reasonableness of their claimed fees, and supports the award of attorneys' fees and expenses to them in the amount of \$37,815.84.

Attached to this Memorandum as Exhibit A is the Declaration of lead counsel, Cheryl A. Pilate. Her Declaration states her background and experience, addresses the reasonableness of the fees claimed, and details efforts to keep the cost of this litigation as reasonable as possible. Plaintiffs-Intervenors note that, in the present pleading, they are seeking a lesser amount of fees and expenses than they sought in their motion filed on February 13, 2012. (Doc. #101) The fees claimed have been reduced from \$45,465.00 to \$36,435.00, and the expenses claimed have been reduced from \$1,706.99 to \$1,380.84. The reduction resulted primarily from shortening the time period for which fees and expenses are claimed. (*See* Exhibit A, ¶ 16).

Plaintiffs-Intervenors note that they are not submitting any claim for the amount of

time spent preparing their fee application. By seeking to join in Plaintiffs' Memorandum of Law, they are once again seeking to conduct this litigation in a cost-effective manner.

Finally, Plaintiffs-Intervenors wish to apprise this Court that, in cooperation with Plaintiffs' counsel, they have engaged in the required consultation with opposing counsel under Local Rule 54.2(a). On March 14, 2012, counsel for Defendants confirmed that Defendants' position with regard to fees and expenses was the same with regard to Plaintiffs-Intervenors as it was with regard to Plaintiffs. Defendants' position is that Plaintiffs-Intervenors are not entitled to any award of attorneys' fees or expenses.

For all of the reasons stated above and in the attached Exhibits, Plaintiffs-Intervenors seek the award of reasonable fees and expenses as described above and in the amount requested.

Respectfully submitted,

/s/ Cheryl A. Pilate
Cheryl A. Pilate, KS No. 14601
Rebecca L. Kurz, KS No. 23490
MORGAN PILATE LLC
142 N. Cherry Street
Olathe, KS 66061
Tel: 913-829-6336
Fax: 913-829-6446
Email: cpilate@morganpilate.com
Attorneys for Plaintiffs-Intervenors

CERTIFICATE OF SERVICE

I, Cheryl A. Pilate, do hereby certify that a true and accurate copy of the above and forgoing was served on all counsel of record via the ECF system on the 19th day of

March, 2012.

/s/ Cheryl A. Pilate

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as Secretary of the Kansas Department of)
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County; and DEREK SCHMIDT, in his official)
capacity as Attorney General for the State of)
Kansas,)
Defendants.)

**DECLARATION OF CHERYL A. PILATE IN SUPPORT OF MOTION
FOR ATTORNEY'S FEES AND LITIGATION EXPENSES**

I, Cheryl A. Pilate, declare and state as follows:

1. I am lead counsel for Plaintiffs-Intervenors Central Family Medical, LLC and Dr. Ronald Yeomans in the above-captioned case. I submit this declaration in support of Plaintiffs-Intervenors' motion for attorneys' fees and litigation expenses under 42 U.S.C. § 1988.

2. I graduated from the University of Kansas School of Law in 1990. I served as

an editor on the Kansas Law Review and earned various academic honors.

3. I was admitted to practice before the Supreme Court of the State of Kansas in 1990. I am also admitted to practice before the Supreme Court of Missouri, the United States District Court for the District of Kansas, the United States District Court for the Western District of Missouri, the United States District Court for the Eastern District of Missouri, the United States Court of Appeals for the Eighth Circuit, the United States Court of Appeals for the Tenth Circuit, and the United States Supreme Court.

4. Following my graduation from the University of Kansas School of Law, I was employed for two years as a law clerk to the Honorable John R. Gibson, of the Eighth Circuit Court of Appeals. In September 1992, I joined the law firm of Wyrsh, Hobbs & Mirakian (formerly known as Wyrsh, Atwell, Mirakian, Lee & Hobbs), where I became a partner in 2000. In June 2007, I left to establish my own law firm, joining Melanie Morgan to found Morgan Pilate LLC.

5. Throughout my career, I have focused on criminal law, primarily in the federal courts. I have represented defendants in highly complex and difficult cases, including death penalty litigation and actual innocence cases. I have represented my clients in all phases of litigation, including trial, appeal, state post-conviction and federal habeas corpus. Approximately 13 years ago, I expanded my practice to also include selected federal civil rights cases, including cases under 42 U.S.C. § 1983.

6. I am a member of the Board of Directors of the Midwest Innocence Project and

also serve as a member of its legal advisory panel. I am a member of the Kansas City Bar Association, the Missouri Bar Association, the Kansas Bar Association, the American Bar Association, the Kansas Association of Criminal Defense Lawyers, the Missouri Association of Criminal Defense Lawyers, the National Association of Criminal Defense Lawyers, and the Kansas Coalition Against the Death Penalty.

7. I have been “AV” rated by Martindale Hubbell for the past ten years, and have been annually named a “Super Lawyer” by Missouri & Kansas Super Lawyers. I have also been named to the “Top 50 Women Lawyers” in Missouri and Kansas by Super Lawyers in addition to being named as a Super Lawyer in my primary practice area of criminal law. I received the Atticus Finch Award from the Missouri Association of Criminal Defense Lawyers in 2000, and have also received two awards from the Midwest Innocence Project, in 2002 and 2009. I am active in supporting my profession, and have presented numerous Continuing Legal Education seminars in Kansas, Missouri and elsewhere.

8. I have represented Central Family Medical, LLC, for approximately two years, and was retained because of my background in both civil rights litigation and criminal law. Central Family Medical, LLC, which is located at 7th and Central in Kansas City, Kansas, has been the target of regular demonstrations and vandalism.

9. In May 2011, I was asked to review and take appropriate legal action against the new Kansas statute that imposed burdensome restrictions on abortion clinics.

Because the temporary regulations promulgated under the law threatened to immediately shut down the provision of any abortion services at Central Family Medical, we began immediately working to obtain emergency, injunctive relief.

10. Attached to this declaration as Exhibit 1 is my firm's billing statement for the relevant time period, detailing the hours worked on this case by me and by Rebecca Kurz, an associate in my firm who worked under my supervision on this matter. We record our time in increments of one-tenth of an hour. The entries show the legal services performed and by whom, the type of work done, and the amount of time expended. The records show that, during the relevant period, Morgan Pilate LLC expended a total of 113.40 hours litigating the present matter, with Ms. Kurz accounting for 34.80 hours and my own time accounting for 78.60 hours. We have not recorded or billed for any paralegal time spent on this litigation, even though paralegal time was expended on several occasions.

11. My customary billing rate for work of this complexity and emergent nature is \$400/hour. However, I am seeking an award at a lesser rate, \$375/hour, because my representation of Central Family Medical LLC and Dr. Yeomans was substantially aided by the work of the Center for Reproductive Rights (CRR) and its counsel (Bonnie Scott Jones and Kara Lowentheil) and Kansas City attorney Teresa Woody. CRR's substantial experience in the area of reproductive rights litigation greatly benefitted my clients through the sharing of resources, particularly the sharing of legal research and the opportunity, when appropriate, to join in motions filed by CRR, thus avoiding duplication

of effort and the unnecessary expenditure of legal resources.

12. Regardless of whether my clients or the State of Kansas were ultimately responsible for paying for the legal services rendered, I endeavored to avoid any “reinventing of the wheel,” especially when the interests and legal arguments of Plaintiffs and Plaintiffs-Intervenors were so closely aligned. Thus, before drafting some of my own pleadings, I first reviewed the pleadings prepared by Plaintiffs’ counsel. When appropriate, my clients were able to move to join in several of Plaintiffs’ motions, thus reducing the overall cost of this litigation.

13. Under all of the circumstances, my claimed hourly rate of \$375 is reasonable and appropriate. I have reviewed the declarations of Ms. Woody and Mr. Badgerow, and note that my legal experience and background is comparable in breadth and depth to Ms. Woody’s (though I note that she has practiced five years longer than I have). In any case, the rate of \$375/hour is reasonable and customary in a matter of this complexity for a lawyer with my background and experience.

14. Attached to this Declaration as Exhibit 2 is the Declaration of Rebecca Kurz, an associate in my law firm who worked on this matter under my supervision. Ms. Kurz has two decades of experience as an appellate lawyer and has been recognized by her peers for her work on complex cases, including death penalty litigation. Because her experience in civil litigation is more limited, I determined that an hourly rate of \$200/hour was reasonable and appropriate for her in this matter.

15. In preparing the billing statement for my time and Ms. Kurz's time, I have exercised billing judgment, and have omitted or reduced numerous time entries to ensure that the fee request did not include hours that were redundant or duplicative. All services for which fees have been charged were actually and necessarily performed.

16. Since the time that I filed Plaintiffs-Intervenors' Motion for Attorneys' Fees and Costs Pursuant to 42 U.S.C. § 1988 and 28 U.S.C. § 1920, I have reduced my law firm's billing statement both by eliminating entries and by shortening the time period for which fees and expenses would be claimed. Thus, the fees claimed have been reduced from \$45,465.00 to \$36,435.00, and the expenses claimed have been reduced from \$1,706.88 to \$1,380.84.

17. I submit that the hourly rates charged for myself and Ms. Kurz are reasonable, given our experience and expertise. This assertion is generally supported by the Declaration of Nick Badgerow, who opined on Ms. Woody's and CRR's legal fees, as well as by the billing statements submitted by CRR and Ms. Woody.

18. I further submit that the total amount that Plaintiffs-Intervenors seek for work performed by Morgan Pilate LLC, \$37,815.84, was reasonable and necessary for the successful outcome of this matter. Therefore, I respectfully request that Plaintiffs-Intervenors be awarded a total of \$37,815.84 for our firm's fees and expenses on this case.

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

Date: 3/19/12

A handwritten signature in cursive script, appearing to read "Cheryl Pilate", written over a horizontal line.

Cheryl A. Pilate

MORGAN PILATE LLC

142 North Cherry Street
 Olathe, KS 66061
 www.morganpilate.com

Invoice submitted to:
 Aid for Women

March 15, 2012

Invoice #11215

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
5/26/2011	CAP Phone call with M. Pederson and associate re: new law imposing restrictions on abortion clinics	0.30 375.00/hr	112.50
5/27/2011	CAP Legal research on due process issues arising from insufficient time to comply with new law	1.00 375.00/hr	375.00
5/29/2011	CAP Further legal research on due process issues	1.00 375.00/hr	375.00
6/1/2011	CAP Phone call with M. Pederson; meeting with R. Kurz; review of legal research	0.70 375.00/hr	262.50
	RLK Review House substitute for Senate Bill No. 36; legal research	1.30 200.00/hr	260.00
6/2/2011	CAP Review email from M. Pederson	0.10 375.00/hr	37.50
	RLK Review materials received from M. Pederson concerning hospital privileges; research on constitutionality of bill	5.80 200.00/hr	1,160.00
6/3/2011	CAP Review new statute imposing restrictions on abortion clinics; phone call with M. Pederson; meeting with R. Kurz	1.10 375.00/hr	412.50
	RLK Legal Research; phone call with client and C. Pilate	1.30 200.00/hr	260.00
6/4/2011	CAP Review email from M. Pederson and attachments; phone call to Mr. Reser at KDHE	0.40 375.00/hr	150.00
6/6/2011	CAP Phone call with client; phone calls to B. Scott-Jones and Jordan at Center for Reproductive Law - left message; meeting with R. Kurz	0.60 375.00/hr	225.00

913-829-6336

Attachment 1

Aid for Women

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		<u>Hrs/Rate</u>	<u>Amount</u>
6/7/2011	RLK Legal research on constitutionality of new law	3.10 200.00/hr	620.00
6/8/2011	RLK Legal research on constitutionality of new law; begin drafting memo regarding state abortion laws to C. Pilate	4.00 200.00/hr	800.00
6/9/2011	RLK Draft legal research memo	1.50 200.00/hr	300.00
6/10/2011	CAP Phone call with client	0.10 375.00/hr	37.50
6/14/2011	RLK Review of new Kansas regulations regarding abortion clinics; phone call with M. Pederson; phone conference with M. Pederson, business partner and C. Pilate	2.10 200.00/hr	420.00
	CAP Review research memo by R. Kurz; phone calls with T. Keck and J. Kroll of KDHE; three phone calls with M. Pederson including one with M. Pederson and business partner	1.20 375.00/hr	450.00
6/15/2011	CAP Phone call with client and meeting with R. Kurz	0.40 375.00/hr	150.00
6/16/2011	RLK Review email and attachment from M. Pederson; begin drafting arguments regarding new law	3.60 200.00/hr	720.00
	CAP Review email from client; two phone calls with M. Pederson; review new regulations; review email from B. Scott-Jones; phone call with T. Woody	0.90 375.00/hr	337.50
6/17/2011	RLK Continued drafting of legal arguments	2.80 200.00/hr	560.00
	CAP Review clinic application; review licenses; review new regulations; phone call with B. Scott-Jones; edit cover letter to KDHE; review Kansas Administrative regulations and administrative law manual; phone call with M. Pederson	1.60 375.00/hr	600.00
6/20/2011	CAP Phone call with T. Woody; legal research	0.50 375.00/hr	187.50
6/21/2011	CAP Review multiple emails from M. Pederson; respond to emails; review new regulations; conference calls with counsel for all providers; review economic impact statements; exchange emails with B. Scott-Jones and other counsel; phone call with L. Thompson; phone call with J. Kroll; phone call with M. Pederson	3.80 375.00/hr	1,425.00
6/22/2011	CAP Phone call with L. Thompson; phone calls with M. Pederson; review facilities checklist; review multiple emails from M. Pederson; send email to J. Kroll; review and respond to email from D. Salgado; send multiple emails to M. Pederson and counsel representing other providers; review emails from counsel; phone call with counsel	5.00 375.00/hr	1,875.00

Aid for Women

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		<u>Hrs/Rate</u>	<u>Amount</u>
6/23/2011	CAP Meeting with M. Pederson and business partner; obtain facts on history of clinic; phone call with T. Keck; review and respond to several emails from counsel; phone calls with M. Pederson & Teresa Woody; review Kansas outpatient surgery guidelines; review of email and cost analysis and from M. Pederson	4.00 375.00/hr	1,500.00
6/24/2011	CAP Review Blumenthal affidavit; review letter from T. Keck; review emails from M. Pederson; further review of regulations; phone call with D. Salgado; legal research	1.20 375.00/hr	450.00
6/26/2011	CAP Phone call with client; review email from client; phone calls with client; legal research on constitutional issues - equal protection, due process, undue burden; review prior litigation in Kansas on related issues	3.00 375.00/hr	1,125.00
6/27/2011	RLK Draft declaration of Dr. Yeomans	3.20 200.00/hr	640.00
	CAP Legal Research on new abortion statute and Kansas Administrative Procedure Act; send email to all counsel; phone call with D. Salgado; phone calls with client; meeting with client and draft affidavit for him; review Mark's memos on compliance issues; review and revise Yeoman's affidavit; phone call with T. Woody; review emails from T. Woody	5.20 375.00/hr	1,950.00
6/28/2011	CAP Review emails from client; phone call with client; send emails to counsel; respond to email from L. Thompson; review draft complaint filed by Drs. Hodes & Nausser; review motion for TRO and preliminary injunction; review memorandum and attachments to motion; draft complaint for Aid for Women and Dr. Yeomans; legal research on intervention under Rule 24; phone call with client	5.70 375.00/hr	2,137.50
6/29/2011	RLK Draft motion to intervene and suggestions in support; draft motion to join motion for TRO and preliminary injunction	5.60 200.00/hr	1,120.00
	CAP Revise affidavits for Pederson and Yeomans; phone calls with M. Pederson; review and revise motion to intervene; finish drafting complaint; review and revise motion to join in request for emergency relief; phone call with Dr. Yeomans; phone calls with T. Woody and L. Thompson	6.70 375.00/hr	2,512.50
6/30/2011	RLK Draft letter	0.50 200.00/hr	100.00
	CAP Phone call with Dr. Yeomans; phone calls with T. Woody; phone calls with M. Pederson; review and revise memorandum in support of motion to intervene; phone calls with T. Woody; phone calls with M. Pederson	5.50 375.00/hr	2,062.50

Aid for Women

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/1/2011	CAP Preparation for court hearing; phone call with T. Woody; phone conference with Judge Humphreys; travel to/from Kansas City, KS; meeting with Mark and Dr. Yeomans at clinic; attend court hearing and present argument	7.00 375.00/hr	2,625.00
7/5/2011	CAP Phone calls with counsel; draft email to defense counsel and review response; phone call with D. Salgado; phone call with M. Pederson	1.00 375.00/hr	375.00
7/6/2011	CAP Review email from M. Pederson re: KDHE guidelines; review new stats form and email from Mark; phone call with Mark; amend complaint	0.80 375.00/hr	300.00
7/7/2011	CAP Phone call with J. Chanay	0.30 375.00/hr	112.50
	CAP Serve amended complaint	1.00 375.00/hr	375.00
	CAP Phone call with T. Woody	0.10 375.00/hr	37.50
	CAP Review email from Mark; phone call with M. Pederson; review relevant abortion statutes in Kansas	1.30 375.00/hr	487.50
7/8/2011	CAP Review email from M. Pederson re: KDHE; review letter from KDHE with attached notice of intent to deny; draft letter to KDHE; send email to M. Pederson	1.50 375.00/hr	562.50
7/11/2011	CAP Review and respond to email from M. Pederson; exchange of emails with T. Woody	0.20 375.00/hr	75.00
7/12/2011	CAP Review emails from T. Woody and D. Salgado	0.10 375.00/hr	37.50
	CAP Phone call with client	0.10 375.00/hr	37.50
7/13/2011	CAP Review and respond to email from client re: new statute	0.20 375.00/hr	75.00
7/14/2011	CAP Review emails from client	0.20 375.00/hr	75.00
7/15/2011	CAP Review emails from client with attachments; review letter from OPRMC; phone calls with client	0.60 375.00/hr	225.00
	CAP Phone call to T. Keck's office; phone calls with P. Marx and J. Chaney; draft email to KDHE and Kansas Atty. Gen. - notifying them of privileges extended by OPRMC	0.70 375.00/hr	262.50

Aid for Women

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/17/2011	CAP Review emails from T. Woody; send emails to T. Woody; review scheduling order; review article on clinic regulation; email to counsel and client	0.80 375.00/hr	300.00
7/21/2011	CAP Review emails from client	0.20 375.00/hr	75.00
7/22/2011	CAP Review and respond to emails from client; review emails from counsel	0.20 375.00/hr	75.00
7/25/2011	CAP Travel to/from Lawrence to meet with all counsel re: Rule 26 conference; meeting with all counsel; conference with T. Woody; phone calls with client and KDHE inspector; review of Kansas regulations	3.80 375.00/hr	1,425.00
7/26/2011	CAP Review of search terms for electronic discovery purposes; review of planning report; send emails to T. Woody and B. Scott Jones; review emails from client	1.00 375.00/hr	375.00
	CAP Review multiple emails from T. Woody; phone call with T. Woody	0.40 375.00/hr	150.00
7/28/2011	CAP Review multiple emails from T. Woody; review email from client; phone call with T. Woody	0.50 375.00/hr	187.50
7/29/2011	CAP Review emails and respond; phone call with client	0.30 375.00/hr	112.50
8/4/2011	CAP Review emails from client	0.10 375.00/hr	37.50
8/9/2011	CAP Review multiple emails T. Woody, B. Jones and defense counsel; review planning report; phone calls with T. Woody, B. Jones, M. Pederson and business partner	0.90 375.00/hr	337.50
8/15/2011	CAP Two phone calls with T. Woody; review draft opposition to motion to intervene; review draft motion to dismiss appeal; review motion for protective order; phone call with M. Pederson; review pleadings filed by Plaintiffs; draft motion to join in Plaintiffs' pleadings.	1.70 375.00/hr	637.50
8/16/2011	CAP Participate in phone conference with counsel	0.50 375.00/hr	187.50
8/18/2011	CAP Review draft letter to Board of Healing Arts; exchange emails with M. Pederson; review regs on office-based surgery; respond to email from counsel	0.60 375.00/hr	225.00
8/22/2011	CAP Phone call with T. Woody; review numerous pleadings; file motion to join in motion for protective order	0.50 375.00/hr	187.50

Aid for Women

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		<u>Hrs/Rate</u>	<u>Amount</u>
8/23/2011	CAP Review and respond to email from M. Pederson	0.10 375.00/hr	37.50
8/24/2011	CAP Review email from M. Pederson; review and respond to email from T. Woody	0.10 375.00/hr	37.50
8/25/2011	CAP Review emails from B. Scott-Jones and L. Thompson re: protective order; review reply filed by AAPLOG re: motion to intervene; send email to B. Scott-Jones	0.50 375.00/hr	187.50
8/26/2011	CAP Phone calls with M. Pederson; review stipulated protective order; respond to email from B. Scott-Jones	0.50 375.00/hr	187.50
8/29/2011	CAP Review and respond to emails from plaintiff's counsel; draft Yeomans declaration; phone call with M. Pederson	0.80 375.00/hr	300.00
For professional services rendered		113.40	\$36,435.00

Additional Charges :

		<u>Qty/Price</u>	
6/1/2011	CAP May 2011 Westlaw fees	1 191.38	191.38
7/6/2011	CAP June 2011 in house copies	1,525 0.10	152.50
	CAP June 2011 Westlaw fees	1 254.40	254.40
	CAP Process server fee: Hatfield Process Service	1 117.00	117.00
7/7/2011	CAP Process server fee: Hatfield Process Service	1 25.00	25.00
7/8/2011	CAP Postage	2 0.44	0.88
8/1/2011	LJR July 2011 in house copies	2,062 0.10	206.20
	CAP July 2011 Westlaw charges	1 23.08	23.08
9/1/2011	CAP August 2011 in house copies	4,104 0.10	410.40

Aid for Women

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	<u>Amount</u>
Total additional charges	\$1,380.84
Total amount of this bill	\$37,815.84
Balance due	<u><u>\$37,815.84</u></u>

This bill itemizes the professional services that have been provided in your case as well as expenses that have been incurred. On your bill you may see "Payment from Account". If you have funds held in our trust account, those funds have been reduced by the amounts for the services and expenses listed. The new balance in our trust account is listed under Client Funds Transactions. No payment is due at this time.

If you have exhausted the funds in our trust account, a balance due will be reflected on your statement. We appreciate prompt payment.

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official capacity as District Attorney of Johnson)	
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capacity as Attorney General for the State of)	
Kansas,)	
Defendants.)	

**DECLARATION OF REBECCA KURZ
IN SUPPORT OF MOTION FOR ATTORNEY'S FEES**

I, Rebecca L. Kurz, declare and state as follows:

1. I am co-counsel for Central Family Medicine and Ronald Yeomans, M.D. I submit this declaration in support of Plaintiffs-Intervenors' motion for attorney's fees under 42 U.S.C. §1988.

2. I graduated from the University of Missouri – Kansas City School of Law in 1992. The primary focus of my practice is appellate law. I am licensed in the states of

Missouri and Kansas, the United States District Court for the Western District of Missouri and the United States District Court for the District of Kansas.

3. Attached is a statement – based on our firm’s billing records – of the hours I spent working on this litigation. Those records reflect that I worked 34.8 hours during the relevant time period on this case. The fee request does not include any time for duplicative or unnecessary work.

4. I am billing at a rate of \$200 an hour, which is a reasonable hourly rate for an attorney in the Kansas City area with my background.

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

Date: March 19, 2012


Rebecca L. Kurz