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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**BRANDON AUSTIN,**

Plaintiff,

v.

**UNIVERSITY OF OREGON; SANDY WEINTRAUB; CHICORA MARTIN; ROBIN HOLMES; and MICHAEL R. GOTTFREDSON,** all in their individual capacities only,

Defendants.

Case No.: 6:15-cv-02257-MC (Lead Case)  
Case No.: 6:16-cv-00647-MC (Member Case)

DECLARATION OF NAOMI LEVELLE  
HASLITT IN SUPPORT OF DEFENDANTS'  
MOTION FOR ATTORNEY FEES AND  
COSTS AND MEMORANDUM IN SUPPORT

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**DOMINIC ARTIS and DAMYEAN  
DOTSON,**

Plaintiff,

v.

**UNIVERSITY OF OREGON; SANDY  
WEINTRAUB; CHICORA MARTIN;  
ROBIN HOLMES; and MICHAEL R.  
GOTTFREDSON,**

Defendants.

I, Naomi Levelle Haslitt, declare and state as follows:

1. I am counsel for Defendants in this matter and make this declaration in support of Defendants' Motion for Attorney Fees and Costs. I make this declaration on personal knowledge of the matters contained in this declaration or from sources deemed reliable.

2. Attached as Exhibit 1 to this declaration is a detailed summary of costs incurred by defendant University of Oregon (the "University") in defending this case.

3. Attached as Exhibit 2 to this declaration is a detailed summary of the hourly attorney fees incurred by the University in defending this case from October 2014 through June 2017, including separate spreadsheets showing:

a. Total Fees: The total cost of fees incurred by the University, including fees attributable to defending against all of plaintiffs' claims and actions, including those for which the University is not seeking recovery, and

b. Due Process Fees: Charges attributable to defending against plaintiffs' due process claim and motion for reconsideration. This summary provides the following information:

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- i. Date of charge,
- ii. Timekeeper,
- iii. Narrative description of task,
- iv. Total hours spent working on task,
- v. Hourly billing rate of timekeeper,
- vi. Total charges incurred from task,
- vii. Percentage of task time reasonably allocated to defending against plaintiffs' due process claim (applicable only when the narrative description does not specifically identify to which claim the charge is attributable),
- viii. Fees allocated to defending against plaintiffs' due process claim, after reasonable allocation of task time.

4. The total fees allocated to the University's defense of plaintiffs' due process claim, as provided in the Due Process Fees summary, does not reflect charges for any of the following activities, for which the University is not seeking recovery:

- a. Charges attributable to defending against plaintiffs' Title IX, equal protection, and state law claims and actions,
- b. Charges by staff and administrators that would typically be charged to clients, e.g., litigation support;
- c. Charges for administrative tasks;
- d. Charges for multiple attorneys at various meetings with consultants, witness interviews, and hearings.

5. These fees are correct and have been necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed.

6. As reflected in the time entries provided in Exhibit 2, the University incurred fees in defending against Mr. Austin's due process claim that were separate from the fees incurred in defending against Mr. Artis and Mr. Dotson's due process claim.

7. As reflect in the time entries provided in Exhibit 2, the University incurred fees in preparing for and attending an August 2016 oral argument and in opposing plaintiffs' motion for reconsideration, which were attributable to all plaintiffs that were not separate.

8. Michelle Barton Smigel's standard hourly billing rate in 2017 was \$500. However, Miller Nash charges the University a reduced rate in light of the fact that it is a public entity. Accordingly, Miller Nash charged the University the reduced rate of \$350 per hour for Ms. Smigel's time.

9. Similarly, other Miller Nash timekeepers on this case have a standard hourly rates and reduced hourly rates for the University as follows:

<b>Professional</b>	<b>Standard Hourly Rate</b>	<b>Reduced Hourly Rate</b>
Bruce Campbell, Partner	\$620	\$350
Michael Porter, Partner	\$435	\$350
Taylor Richman, Associate	\$280	\$260

10. The hourly rates charged by the University's attorneys are reasonable and consistent with those charged in the Portland area.

11. Attached as Exhibit 3 are excerpts from the 2012 Oregon State Bar Economic Survey.

In accordance with 28 USC § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26th day of July, 2017.

MILLER NASH GRAHAM & DUNN LLP

*s/Naomi Levelle Haslitt*

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2017, I electronically filed the foregoing Declaration of Naomi Levelle Haslitt in Support of Defendants' Motion for Attorney Fees and Costs and Memorandum in Support using the CM/ECF system and that by doing so I served the foregoing on all parties of record in the subject case via CM/ECF system transmission.

DATED this 28<sup>th</sup> day of July, 2017.

*s/Naomi Levelle Haslitt*

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Naomi Levelle Haslitt

Oregon State Bar No. 075857

*Attorneys for Defendants*