

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the
United States, *et al.*,

Defendants.

No. 17-cv-00094 RAJ

**SUPPLEMENTAL DECLARATION OF
NICHOLAS P. GELLERT IN SUPPORT
OF PLAINTIFFS' MOTION FOR
SANCTIONS**

I, Nicholas P. Gellert, hereby declare:

1. I have personal knowledge of the facts stated below and am competent to testify regarding them.

2. I am an attorney at the Perkins Coie LLP and one of the attorneys for Plaintiffs in this matter.

3. My background and experience as an attorney, as well as that of my colleague David Perez, was set forth in the Declaration of Harry H. Schneider, Jr., in Support of Plaintiffs' Motion for Class Certification (Dkt. 34). The experience of another colleague, Laura Hennessey, was set forth in my Declaration in Support of the Motion for Sanctions (Dkt. No. 142).

4. As explained in my prior declaration, although our representation in this matter is on a pro bono basis, we have applied the same diligent methodology for tracking our time that

1 we apply to all of our cases. Consistent with firm policy, I have inserted my time in our time
 2 record system at the time or very near when the work was performed, and I understand that the
 3 other timekeepers on this matter have done the same.

4 5. I have reviewed the time entries for me and my colleagues with respect to
 5 preparing and filing Plaintiffs' Motion for Sanctions. I have not included in the below summary
 6 or the materials attached hereto any entries that I could not verify fairly and accurately reflected
 7 effort expended by timekeepers for the tasks on those discovery matters. Other attorneys at
 8 Perkins Coie (besides myself, Mr. Perez and Ms. Hennessey) contributed to preparing and filing
 9 Plaintiffs' Motions for Sanctions, but we have elected to not include their work in our request for
 10 a fee award relating to the sanctions motion. However, we reserve the right to seek recovery of
 11 fees for such other Perkins Coie attorneys as may be appropriate in the future.

12 6. Attached hereto as **Exhibit A** is a PDF of a spreadsheet that sets forth in
 13 chronological order each time entry relating to the preparation and filing of Plaintiffs' Motion for
 14 Sanctions between March 1, 2018 through April 13, 2018, for which recovery is requested. If it
 15 would be helpful to the Court, we can provide a live version of this spreadsheet that is sortable
 16 by timekeeper and date.

17 7. The information contained in the attached spreadsheets reflects the following total
 18 efforts by David Perez, Laura Hennessey, and me:

	Nicholas Gellert	David Perez	Laura Hennessey
Preparing and Filing Plaintiffs' Motion for Sanctions	8.1 hours	20.3 hours	73.1 hours
2018 Hourly Billing Rate (HBR)	\$630	\$575	\$490
Total Fees (Hours x HBR)	\$5,103	\$ 11,672	\$35,819
TOTAL FEES:	\$52,594		

25 8. Because we are not billing our clients for our work on this matter, we do not have
 26 an agreed billing rate with our clients. For purposes of this motion, we are utilizing our lowest

1 standard rates—rates that we regularly use, for instance, for public entity clients. Perkins Coie
2 charges many clients, often for-profit corporations, at higher standard billing rates. We also
3 charge some clients at lower rates, typically when we have negotiated rates below our standard
4 rates for long-standing clients or clients for whom we are doing a substantial volume of work.

5 9. Based upon my experience and knowledge of the hourly rates charged by
6 attorneys with comparable experience who are practicing in firms of comparable size and stature
7 to Perkins Coie, these hourly rates are comparable or less than those that would routinely be
8 charged by similarly situated attorneys for pursuing a lawsuit involving the types of issues
9 addressed in this litigation.

10 10. In sum, it is my opinion that the time and labor incurred and the related hourly
11 rates charged are reasonable in the Western District of Washington. It is also my opinion that this
12 fee request is reasonable based on the method used in the “lodestar” analysis. *Hensley v.*
13 *Eckerhart*, 461 U.S. 424, 433 (1983); *Gates v. Deukmejian*, 987 F.2d 1392, 1397 (9th Cir. 1992).
14

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

16 EXECUTED this 13th day of March, 2019, at Seattle, Washington.

17 *s/ Nicholas P. Gellert*
18 Nicholas P. Gellert

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I caused service of the foregoing document via the CM/ECF system, which will automatically send notice of such filing to all counsel of record.

DATED this 13th day of March, 2019, at Seattle, Washington.

s/ Cristina Sepe
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