

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

JUNE MEDICAL SERVICES LLC, *et al.*,

Plaintiffs,

v.

COURTNEY N. PHILLIPS, in her
official capacity as Secretary of the
Louisiana Department of Health,

Defendant

Civil Action No. 3:14-CV-525-JWD-RLB

PLAINTIFFS' RENEWED PETITION FOR ATTORNEY'S FEES

Plaintiffs brought this case under 42 U.S.C. § 1983 (“§ 1983”) to seek relief from Louisiana Act 620 of 2014 (the “Act”), which violates their patients’ – and all pregnant people’s – constitutional right to choose abortion in Louisiana. The U.S. Supreme Court has declared the Act unconstitutional and it has been permanently enjoined. *June Medical Servs. LLC v. Russo*, 140 S. Ct. 2103 (2020). As the prevailing parties, Plaintiffs seek an award of a reasonable attorney’s fee under 28 U.S.C. § 1988(b) (“§ 1988”).¹

Pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rule 54(b)(1), Plaintiffs respectfully move this Court for an award of \$8,654,348.18 in attorney’s fees and

¹ Plaintiffs are also today filing a Bill of Costs, pursuant to Local Civil Rule 54(c), to recover costs taxable under Federal Rule of Civil Procedure 54(d)(1) and 28 U.S.C. § 1920. Plaintiffs respectfully request that items sought as attorney’s fees that are more appropriately awarded as costs be so deemed by this Court, and likewise that items sought in the Bill of Costs more properly awarded as attorney’s fees be so deemed. *See Davis v. Perry*, 991 F. Supp. 2d 809, 849-50 (W.D. Tex. 2014) (Smith, Cir. J.) (considering the plaintiffs’ request for taxable costs under 28 U.S.C. § 1920 together with their request for reasonable, out-of-pocket expenses under § 1988, and assigning particular charges to the most appropriate category) *rev’d on other grounds sub nom. Davis v. Abbott*, 781 F.3d 207 (5th Cir. 2015); *Richardson v. Tex-Tube Co.*, 843 F. Supp. 2d 699, 711 (S.D. Tex. 2012) (same).

nontaxable expenses, including \$8,407,418.83 for hours reasonably expended by attorneys and other legal professionals and \$246,929.35 for nontaxable expenses, incurred prior to the case's administrative closure in August 2020. Plaintiffs also reserve the right to supplement this application with fees and costs incurred since August 2020.

Plaintiff's renewed petition is accompanied by a memorandum of law, and by 9 declarations, with exhibits, from Travis J. Tu, Attach. 1; Demme Doufekias, Attach. 2; Anton Metlitsky, Attach. 3; Charles (Larry) Samuel, III Attach. 4; Kathaleen Pittman, Attach. 5; Kathryn Elizabeth Gottlieb, Attach. 6; Ellie T. Schilling, Attach. 7; Judy Y. Barrasso, Attach. 8; and Kimberly A. Parker, Attach. 9. Also incorporated by reference is Plaintiffs' Petition for Attorney's Fees initially filed in May 2017 along with all supporting memorandum, declarations, and exhibits. *See* ECF Nos. 278-291.

Plaintiffs are prevailing parties entitled to reasonable attorney's fees under 42 U.S.C. § 1988(b). Plaintiffs' counsel have exercised reasonable billing judgment, have removed any duplicative or excessive hours from their request for compensation for their time spent working on this case, and have included only reasonable out-of-pocket expenses necessarily incurred in prosecuting the litigation. Plaintiffs' request is supported by adequate evidence, including affidavits and contemporaneously-recorded time records, which demonstrates the reasonableness of the time Plaintiffs' counsel spent on the case and their hourly rates, and which justifies counsel's out-of-pocket expenses.

For the foregoing reasons, as discussed in greater detail in the accompanying memorandum of law and supporting papers, this Court should grant Plaintiffs' renewed petition for attorney's fees in its entirety.

Dated: March 22, 2021

Respectfully submitted,

/s/ Charles M. Samuel

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M.D., and John Doe 2, M.D.*

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March 2021, a copy of the foregoing Memorandum of Law in Support of Plaintiffs' Renewed Petition for Attorney's Fees has been served upon the parties' counsel of record by electronic service through the Court's ECF system.

/s/ Charles M. Samuel
Charles M. Samuel III