

CAUSE NO. D-1-GN-11-003130

THE TEXAS TAXPAYER & STUDENT  
FAIRNESS COALITION, et al.

Plaintiffs

vs.

ROBERT SCOTT, COMMISSIONER  
OF EDUCATION, IN HIS OFFICIAL  
CAPACITY, et al.

Defendants.

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IN THE DISTRICT COURT

200<sup>th</sup> JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**SUPPLEMENTAL NOTICE OF FILING AFFIDAVIT  
AND MOTION FOR AWARD OF EQUITABLE AND JUST  
ATTORNEY’S FEES AND COSTS**

Under the agreement between the parties, and with permission of this Honorable Court, the Efficiency Intervenors give notice of the filing of the Affidavit of Craig T. Enoch on attorney’s fees and costs in this case.

This Supplemental Notice of Filing Affidavit and Motion for Award of Equitable and Just Attorney’s Fees and Costs supplements the request made to this Honorable Court on March 5, 2013 to award their equitable and just attorney’s fees and costs. Should the Efficiency Intervenors prevail in this lawsuit, they are entitled to recover reasonable attorneys’ fees, costs, and expenses as provided by Section 37.009 of the Texas Civil Practice and Remedies Code and as otherwise allowed by law. Alternately, the Efficiency Intervenors respectfully request that they be awarded the additional amounts incurred in this lawsuit after March 5, 2013 for their substantial contribution in this case, for the same reasons presented in their Notice of Filing Affidavits and Motion for Award of Equitable and Just Attorney’s Fees and Costs, filed on March 5, 2013.

The parties agreed to bifurcate the trial on the issue of attorney's fees, and further agreed that attorney's fees would be handled by way of affidavit. Subsequent to the filing of this Affidavit, and in accordance with the Texas Rules of Civil Procedure, the Efficiency Intervenors reserve their rights, under the order of trial provisions, to file any supplemental evidence or affidavit testimony as needed.

Respectfully submitted,

By: /s/ Craig T. Enoch

Craig T. Enoch  
SBN: 00000026  
Melissa A. Lorber  
SBN: 24032969  
ENOCH KEVER PLLC  
600 Congress, Suite 2800  
Austin, Texas 78701  
(512) 615-1200  
(512) 615-1198 [FAX]

ATTORNEYS FOR THE EFFICIENCY  
INTERVENORS

Unofficial copy Travis Co. District Clerk Verna L. Price

**CERTIFICATE OF SERVICE**

I hereby certify that, on the 28<sup>th</sup> day of February 2014 a true and correct copy of the above and foregoing has been served via email pursuant to agreement of the parties and in compliance with Texas Rule of Civil Procedure:

***Attorneys for Plaintiffs:***

Richard E. Gray, III.  
Toni Hunter  
Gray & Becker, P.C.  
900 West Ave.  
Austin, Texas 78701

***Attorneys for Plaintiffs:***

David G. Hinojosa  
Marisa Bono  
Mexican American Legal Defense  
and Education Fund, Inc.  
110 Broadway, Suite 300

***Attorney for Defendants:***

Shelley N. Dahlberg  
James "Beau" Eccles  
Erika Kane  
Texas Attorney General's Office  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711

***Attorneys for Plaintiffs:***

J. David Thompson, III  
Philip Fraissinet  
Thompson & Horton LLP  
3200 Phoenix Tower, Suite 2000  
Houston, Texas 77027

***Attorneys for Plaintiffs:***

Mark R. Trachtenberg  
Haynes and Boone, LLP  
1221 McKinney St., Suite 2100  
Houston, Texas 77010  
San Antonio, Texas 78205

***Attorneys for Plaintiffs:***

Robert Schulman  
Schulman, Lopez & Hoffer  
517 Soledad St.  
San Antonio, Texas 78205-1508

/s/ Craig T. Enoch

Craig T. Enoch

Unofficial copy Travis Co. District Clerk Val L. Price

THE TEXAS TAXPAYER & STUDENT FAIRNESS COALITION, et al.	§	IN THE DISTRICT COURT
	§	
Plaintiffs	§	
	§	
vs.	§	200 <sup>th</sup> JUDICIAL DISTRICT
	§	
ROBERT SCOTT, COMMISSIONER OF EDUCATION, IN HIS OFFICIAL CAPACITY, et al.	§	
	§	
Defendants.	§	TRAVIS COUNTY, TEXAS

**AFFIDAVIT OF CRAIG T. ENOCH**

Before me, the undersigned notary, on this day personally appeared Craig T. Enoch, a person whose identity is known to me. After administering an oath upon him, upon his oath he said:

1. My name is Craig T. Enoch. I am over the age of 18 years, have never been convicted of a felony, and am otherwise competent to be a witness. I have personal knowledge of the facts stated in this Affidavit and they are true and correct.

2. I am an attorney duly licensed by the State of Texas and am a member of the law firm Enoch Kever PLLC in Austin, Texas. I am counsel for the intervenors in this case, Joyce Coleman, Danessa Bolling, Lee and Allena Beall, Joel and Andrea Smedshammer, Darlene Menn, Texans for Real Efficiency and Equity in Education, and Texas Association of Business (collectively “Efficiency Intervenors”). My resume is attached as *Appendix A*.

3. My law firm was retained to represent the Efficiency Intervenors in pursuing a declaratory judgment in *The Texas Taxpayer & Student Fairness Coalition, et al. v. Robert Scott, Commissioner of Education, in his Official Capacity, et al.*; Cause No. D-1-GN-11-003130 filed in the 200th Judicial District Court of Travis County, Texas.

4. The attorneys from my law firm have the required skill, experience, reputation, and ability to perform legal services on behalf of the Efficiency Intervenors in connection with this matter. Specifically, my experience includes serving as a Justice on the Texas Supreme Court, as Chief Justice of Texas' Fifth District Court of Appeals, and Presiding Judge of Texas' 101st District Court. Following my time in public service, I established specialized Appellate and Government Enforcement and Regulated Industries Litigation Practice Groups for a major regional law firm headquartered in Dallas, Texas, Winstead PC, for approximately eight years before co-founding Enoch Keever PLLC, my current firm, in 2011. At Enoch Keever, I have continued my practice specializing in appellate law, civil litigation, and representing regulated industries.

5. My law firm charges and bills the Efficiency Intervenors for our legal fees on an hourly basis.

6. Previously on March 5, 2013, my law firm filed with the Court a Notice of Filing Affidavits and Motion for Award of Equitable and Just Attorney's Fees and Costs for the attorney's fees expended in this case by myself and other attorneys at my law firm as well as attorney's fees expended by attorney J. Christopher Diamond. This affidavit supplements that filing and provides the additional attorney's fees expended by myself and other attorneys and paralegals at my law firm in this case after March 5, 2013.

7. I and other attorneys at my law firm, Melissa Lorber, Amy Saberian, and Shelby O'Brien, have worked approximately 123.3 hours related to pursuing the Efficiency Intervenors' declaratory judgment claim. Additionally, Cyd McCool, a paralegal at Enoch Keever, has performed 1.6 hours of work in assisting with this case under the supervision of attorneys. The

work performed by my law firm is detailed on the invoice attached as *Appendix B* and includes case strategy, pretrial preparation, trial participation, and providing appellate advice.

8. The specific summary of time by attorney is as follows:

Craig Enoch	33.90 (\$22,543.50)
Melissa Lorber	46.20 (\$17,787)
Amy Saberian	26.40 (\$9,504)
Shelby O'Brien	16.80 (\$5,460)
Cyd McCool	1.6 (\$120)

9. My rate for on this matter is \$665 per hour. The rate for my partner, Melissa Lorber, is \$385 per hour. The rates for associates Amy Saberian, Shelby and O'Brien, are \$360 and \$325 per hour, respectively. The rate for Cyd McCool is \$75.

10. My law firm has incurred \$207.86 in costs, as reflected in *Appendix B*.

11. Thus, in total, Enoch Keever has already incurred legal fees of \$55,414.50 and costs of \$207.86 to pursue the declaratory claim of the Efficiency Intervenors in this lawsuit.

12. In my opinion, taking into consideration the factors set forth in Rule 1.04 of the Texas Disciplinary Rules for Professional Conduct and the factors set forth in *Arthur Andersen & Co. v. Perry Equipment Corporation*, 945 S.W.2d 812, 818 (Tex. 1997), the fees and costs set forth in *Appendix B* are reasonable and necessary.

13. I am familiar with the work performed in this case and with the hourly fees customarily charged in Texas by attorneys performing legal work similar to the work performed in this case. In my opinion, the fees incurred by my law firm were reasonable and necessary for the services performed based upon: (a) the time and labor required, the novelty and difficulty of

the questions involved, and the skill required to perform the legal service properly; (b) the likelihood that acceptance of this employment prevented us from accepting other employment; (c) the fees customarily charged in this area for the same or similar services for attorneys with similar experience, reputation, and ability; (d) the amount involved and results obtained; (e) the time limitations imposed by the client or by the circumstances; (f) the nature and length of the professional relationship with the client; (g) the experience, reputation, and ability of the attorneys performing the services; and (h) whether the fee is fixed or contingent on results obtained, or uncertainty of collection before the legal services have been rendered

14. It is currently unclear whether this case will be appealed directly to the Texas Supreme Court or first to the Third Court of Appeals and then to the Texas Supreme Court. It is my opinion that, to defend the Efficiency Intervenors' declaratory judgment in an appeal directly to the Texas Supreme Court, Enoch Kever will incur reasonable and necessary legal fees of \$120,000. It is further my opinion that, to defend the Efficiency Intervenors' declaratory judgment in an appeal to the court of appeals, Enoch Kever will incur reasonable and necessary legal fees of \$100,000; if an appeal to the Texas Supreme Court then follows that appeal, Enoch Kever will incur reasonable and necessary legal fees of \$80,000."

Further affiant sayeth not.

Executed on this 28th day of February, 2014.

  
\_\_\_\_\_  
Craig T. Enoch

SUBSCRIBED AND SWORN TO BEFORE ME on this the 28th day of February, 2014.



  
\_\_\_\_\_  
NOTARY PUBLIC, State of Texas  
My Commission Expires: 4/19/15

**CRAIG T. ENOCH**  
**JUSTICE (RET.)**  
**ENOCH KEVER PLLC**  
**600 CONGRESS AVENUE, SUITE 2800**  
**AUSTIN, TEXAS 78701**  
**(512) 615-1202**  
**CENOCH@ENOCHKEVER.COM**

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Justice of the Supreme Court of Texas (1993-2003)  
Chief Justice of the Fifth District Court of Appeals of Texas (1987-1993)  
Presiding Judge of the 101st District Court of Texas (1981-1987)

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### **Experience**

#### **Strategic Business Advocacy Practice (Established 2003):**

On completing twenty two years of judicial service, Justice Enoch established a specialized Appellate Practice and the Government Enforcement and Regulated Industries Litigation Practice Groups for a major regional law firm headquartered in Dallas, Texas. His extensive knowledge of the working of government assist clients controlled by the complexities of the Texas and Federal government systems, and including representing clients both before court and administrative bodies, as well as defining investigations by state attorneys general, in addition to assisting clients with their regulatory compliance issues. His experience as a neutral arbitrator includes decisions on matters ranging from disputes over utility construction and purchase contracts to employee benefit agreements and estate claims. As well, his experience includes advising and providing expertise on the existence and nature of significant fiduciary obligations. In 2011, Justice Enoch co-founded ENOCH KEVER PLLC, advocates for business at its intersection with government.

#### **Justice, The Supreme Court of Texas, Austin, Texas (1993-2003):**

Judicial responsibilities included reviewing, researching, voting, and writing on cases before the Supreme Court of Texas, the Texas court of last resort for civil cases. Responsibilities also included hiring, training and supervising Chamber's staff, which included two law clerks, hired annually – a total of twenty-two law clerks.

Administrative responsibilities included serving for five years as the Court's liaison to the State Bar of Texas, which is the administrative arm of the Court regulating the practice of law in Texas. Duties included maintaining a strong and productive working relationship between the Texas Supreme Court and leadership of the Bar, as well as several of the Bar's working groups such as the Commission on Lawyer Discipline, the Texas Board of Le-

gal Specialization, the College of the State Bar, and the Texas Young Lawyers Association. Duties also included attending all organizational meetings as necessary.

Other administrative responsibilities included serving as liaison to other Bar-related Supreme Court committees, which included the Grievance Oversight Committee, the Unauthorized Practice of Law Committee, the Professionalism Committee, and the Board of Disciplinary Appeals.

Additional responsibility included periodic recommendations for public appointments to the State Bar Board of Directors and the Bar-related committees.

Elected to the court in 1992. Re-elected in 1998. Retired in 2003.

**Chief Justice, Fifth District Court of Appeals of Texas, Dallas, Texas (1987 to 1992):**

Judicial responsibilities included reviewing, researching, voting and writing on cases before the Fifth Court of Appeals, a Texas intermediate appellate court that handles appeals from the state trial courts of seven counties in North Texas for both civil and criminal cases except capital murder cases. Responsibilities also included hiring, training and supervising Chamber's staff, which included two law clerks, hired annually – a total of ten clerks.

Administrative responsibilities included leading a court of thirteen justices, setting the court's biennial budget, assigning justices to hear cases, representing the court on judicial and legislative matters affecting the court, and serving on the council of chief justices. Responsibilities also included hiring, training and generally overseeing the court's Clerk and clerk staff, the court's Chief Staff Attorney and central legal staff, assisting in hiring law clerks for other Chambers, and handling the court's day-to-day administrative and personnel matters.

Appointed to the court in 1987 by Governor William P. Clements, Jr. (At the time of appointment, was the youngest Chief Justice to serve on any Texas intermediate appellate court.) Elected in 1988.

**Judge, 101st District Court of Texas, Dallas, Texas (1981 to 1987):**

Judicial responsibilities included reviewing, researching and presiding over the trial of cases filed in the 101<sup>st</sup> District Court, a Texas general jurisdiction trial court that, by local rule, primarily handled civil cases arising in Dallas County, Texas.

In this single judge court, responsibilities included setting the court's budget, handling day-to-day office and personnel matters, and joining with the other

Dallas County district judges in providing oversight of the Dallas District Clerk, the Dallas County Auditor, and the Dallas County Juvenile Department.

Appointed to the court in 1981 by Governor William P. Clements, Jr. (At the time of appointment, was one of the youngest judges to serve on any Texas district court.) Elected in 1982. Re-elected in 1986. Was recognized for improving case-handling by courts and cutting case backlogs so disputes were resolved more quickly. Civil docket-management program served as a model for civil courts throughout Texas.

**Partner, Jones, Allen & Fuquay, Dallas, Texas (1977 to 1981):**

Partner in seven-person law firm engaged in general practice with emphasis in commercial and business litigation.

**Associate, Burford & Ryburn, Dallas, Texas (1975 to 1977):**

Associate with eleven-person law firm emphasizing insurance and medical malpractice defense, antitrust, corporate, and energy law.

**Professional Scholarship**

***Commentator:***

League of Women Voters:

Conversations on Judicial Independence, KLRN, Public Broadcasting Service: (4/18/2007)

Catherine Crier Live:

Guest commentator on Harriet Miers' nomination to U.S. Supreme Court, Court TV (10/3/05)

Fox & Friends:

Guest commentator on Harriet Miers' nomination to U.S. Supreme Court, Fox News Channel, (10/04/05 and 10/18/05).

MSNBC and CNN News:

Guest commentator on Harriet Miers' nomination to U.S. Supreme Court (10/17/05)

On the Record with Greta Van Susteren:

Guest commentator on Harriet Miers' nomination to U.S. Supreme Court, Fox News Channel (10/21/05 and 10/27/05).

NOW

Guest commentator on Judicial Review – Judicial Independence and the Culture Wars, Public Broadcasting Service (6/17/2005)

Numerous interviews with various radio and print media on a variety of legal topics.

***Writings:***

Texas Tech Law Review:

*Narrowing the Ability to Strike Jurors: The Texas Supreme Court Addresses Important Voir Dire Issues*, Texas Tech Law Review Vol. 39 (2006 - 2007)

St. Mary's Law Journal:

*Issues and Petitions: The Impact on Supreme Court Practice*, 31 ST. MARY'S L.J. 565 (2000).

SMU Law Review:

*Forward to Annual Survey of Texas Law*, 48 SMU L. REV. 723 (1995); *Incivility in the Legal System? Maybe It's the Rules*, 47 SMU L. REV. 199 (1994).

VOICE for the Defense:

*She'll Be Comin' Around the Mountain When She Comes - or The State's Right to Appeal*, VOICE FOR THE DEFENSE (Sept. 1990); *Something Funny Happened on the Way to the Court of Appeals: THE GREAT WRIT*, VOICE FOR THE DEFENSE (July 1989); *BATSON, Fair v. "Right"*, VOICE FOR THE DEFENSE (Dec. 1988, reprint Winter 1990).

ABA Section of Business Law:

*Annual Review of Developments in Business and Corporate Litigation* (2007 Edition)

State Bar of Texas Appellate Section Report:

*The Caperton Claim*; The Appellate Advocate, Fall 2009, Vol. 22, No. 1

***Lectures:***

Sons of the American Revolution, Patrick Henry Chapter, Austin, Texas

THE POWER OF AN IDEA – OUR CONSTITUTION AND OUR COUNTRY (3/17/2012)

State Bar of Texas Webcast, Austin, Texas

RULES AFFECTING PRACTICE FROM THE 82ND LEGISLATURE (2/28/2012)

The Austin Bar Association, Civil Litigation Section, Ultimate Trial Notebook, Austin, Texas

RULES AFFECTING PRACTICE  
THE 82ND LEGISLATIVE SESSION (11/17/2011)

The Texas Association of Defense Counsel, Inc. 2011 Spring Meeting, Austin, Texas

EFFECTIVE BRIEF WRITING (3/31/2011)

Texas Water Law Institute, 2010 Water Law Conference, Austin, Texas  
WATER SUPPLY CONTRACTS AND SOVEREIGN IMMUNITY: A PERCOLATING DILEMMA (12/3/2010)

University of Texas School of Law, 2010 Page Keeton Civil Litigation Seminar, Austin, Texas

RECUSAL AND DISQUALIFICATION OF ARBITRATORS AND JUDGES  
(10/29/2010)

WinU, Winstead PC, Dallas, Texas

Making the Pen Mightier than the Sword – Negotiating, drafting and litigating financial services agreements that put you in the best position when conflicts arise

WHAT IS THE CONTRACT – IS THIS ALL THERE IS? (2/25/2010)

American Conference Institute, 8<sup>th</sup> National Advanced Forum on Obstetric Malpractice, Philadelphia, Pennsylvania

JUDICIAL ADVICE ON PROVING/DEFENDING THE OBSTETRICAL CASE  
(6/24/2009)

SMU Dedman School of Law, Sumners Foundation Scholarship, Interview Weekend Dinner, Dallas, Texas

RULE OF LAW (3/27/09)

Live Oak CLE Annual Oil and Gas Supreme Court Update, Midland, Texas

TEXAS SUPREME COURT UPDATE: PERMIAN BASIN OIL & GAS LAW  
(3/6/2009)

Tarrant County Bar Association, Appellate Section, Fort Worth, Texas

ENFORCEMENT OF THE FORUM-SELECTION CLAUSES IN TEXAS (1/30/2009)

League of Women Voters of the Austin Area

PROMOTING AN INDEPENDENT JUDICIARY (10/9/2008)

Paralegal Association/Permian Basin, Annual Court Observance Day Luncheon, Midland, Texas

WHAT'S THIS THING THEY CALL THE RULE OF LAW? (10/8/2008)

State Bar of Texas CLE Appellate Boot Camp, Austin, Texas  
APPEALING SUMMARY JUDGMENTS (9/3/2008)

State Bar of Texas, Law Student Division / Section Mentoring Program, University of Texas School of Law  
LITIGATION (1/30/2008)

Tarrant County Bar Association, When Reasonable Minds Cannot Disagree: Summary Judgment Practice in Texas, Texas Wesleyan University, Fort Worth, Texas  
APPELLATE ISSUES REGARDING SUMMARY JUDGMENTS (1/25/2008)

JP Morgan Chase & Co., Dallas, Texas  
BANKING LITIGATION HOT TOPICS (1/22/2008)

17<sup>th</sup> Annual Robert C. Sneed Texas Land Title Institute, San Antonio, Texas  
ESCROW DUTIES – LEGAL DEVELOPMENTS; EXPANDED (?) LIABILITY  
(12/6/2007)

St. Edwards University, Business Law & Ethics Class (11/19/2007)

University of Houston Law School, Houston/Dallas, Texas  
FAILURE TO DELIVER OR RECEIVE THE COMMODITY  
Oil Gas & Energy Law (9/20/07 and 9/27/2007)

Houston Bar Association  
APPELLATE HOT TOPICS  
Houston Bar Association Seminar, Houston, Texas (9/20/2007)

Texas Land Title Association Advanced Closing Seminar, Houston, Texas  
GATEKEEPER LIABILITY (3/21/2007)

2006 Annual Education Program, Florida Conference of Circuit Judges, Orlando, Florida  
JUDICIAL BYPASS OF PARENTAL NOTIFICATION (12/4/06)

American Bar Association Section of Public Contract Law, San Antonio, Texas  
SOVEREIGN IMMUNITY (11/3/06)

Dallas Bench Bar Conference, Lago Vista, Texas  
PRACTICE BEFORE THE TEXAS SUPREME COURT (9/29/2006)

The View from the Trenches: A Report on the Breakout Sessions at the 2005 National Conference on Appellate Justice  
THE JOURNAL OF APPELLATE PRACTICE AND PROCESS, VOL. 8, NO. 1  
(SPRING 2006)

University of Texas Law School Review of Litigation, Austin, Texas  
LITIGATION ETHICS (2/24/06)

University of Texas Law School 10th Annual Insurance Law, Austin, Texas  
Moderated Judicial Panel, (12/7/2005)

National Conference on Appellate Justice, Washington D.C.  
Discussion Leader (11/4-6/2005)

Texas State Bar 2005 Annual Judicial Section Meeting, Dallas, Texas  
TEXAS SUPREME COURT UPDATE (9/28/2005)

University of Texas Law School Conference on State and Federal Appeals,  
Austin, Texas  
TEXAS SUPREME COURT PRACTICE (6/3/2005)

American Bar Association, Atlanta, Georgia  
A BUSINESS PERSPECTIVE ON AMICUS BRIEFING  
2004 ABA Annual Meeting, ABA Judicial Division (2004)

The State Bar of Texas, Corpus Christi, Texas  
TEXAS SUPREME COURT RECENT CASES  
27<sup>th</sup> Annual Advanced Civil Trial Course (2004)

The Insurance Law Section of the State Bar of Texas, Dallas, Texas  
INSURANCE LITIGATION AND YOU: THE IMPACT OF INSURANCE IN  
LITIGATION  
2004 Insurance Law Section Annual Seminar (2004)

Houston Bar Association, Houston, Texas  
SOVEREIGN IMMUNITY: DID THE STATE TAKE A WRONG TURN AT FEDERAL  
SIGN?  
Houston Bar Association Construction Law Section (2004)

Texas Center for the Judiciary, Austin, Texas  
RECENT DECISIONS OF THE TEXAS SUPREME COURT  
Judicial Section Annual Conference (2004)

The State Bar of Texas Litigation Section Report, Austin, Texas  
Rule 47: To Publish or Not to Publish Used to be the Question. Now  
What? (Fall/Winter 2002).

- New York University School of Law, New York, New York  
THE LAW AND THE INTERNET; and LEGITIMACY OF STATE CONSTITUTIONAL  
LAW  
Institute of Judicial Administration Annual Appellate Judges Semi-  
nar-Advanced Series (2000).
- Einstein Institute for Science, Health and the Courts, Bethesda, Maryland  
STATE OF THE LAW IN TEXAS AS AFFECTS THE USE OF THE SCIENCE OF  
GENETICS IN THE TRIAL OF CASES, Working Conversation on Genetics,  
the Human Genome Project, and the Courts (1996).
- The Rutter Group, Houston, Texas  
COURT DECISIONS AFFECTING INSURING AGREEMENTS  
Anatomy of an Insurance Policy (1996).
- Tarrant County Bar Association, Fort Worth, Texas  
APPELLATE PROCEDURES AND CASE DECISIONS  
Keys to Unlocking the Mystery of Appellate Practice (1996).
- The Southwestern Legal Foundation, Dallas, Texas  
ROLE OF THE AMICUS IN OIL AND GAS CASES  
47th Annual Institute on Oil and Gas Law and Taxation (1995).
- The University of Texas at Austin, Austin, Texas  
HELPFUL TIPS FOR PRACTICE BEFORE THE TEXAS SUPREME COURT, 6th  
Annual Conference on State and Federal Appeals (1996); also present-  
ed NEGLIGENCE UPDATE, 18th Annual Page Keeton Products Liability  
& Personal Injury Law Conference (1994); SUPREME COURT — RECENT  
DEVELOPMENTS, 4th Annual Conference on Techniques for Handling  
Civil Appeals in State and Federal Courts (1994).
- State Bar of Texas Professional Development Institutes, Austin, Texas  
RECENT DECISIONS OF THE TEXAS SUPREME COURT, 18th Annual Ad-  
vanced Civil Trial Course, (Course Director), State Bar of Texas, Aus-  
tin, Texas (1995); also presented to 4th Annual Ultimate Insurance  
Seminar (1995), 8th Annual Advanced Civil Appellate Practice Course  
(1994), 6th Annual Advanced DTPA/Insurance/Consumer Law Course  
(1993).
- Baylor University Law School, Waco, Texas  
RECENT DECISIONS OF THE TEXAS SUPREME COURT, 16th Annual General  
Practice Institute, (1993).

South Texas College of Law, Houston, Texas

RECENT DECISIONS OF THE TEXAS SUPREME COURT, 3<sup>rd</sup> Annual Advanced Issues in Insurance “Bad Faith” Litigation (1993); also presented EVIDENCE WITHOUT TESTIMONY--JUDICIAL NOTICE, STIPULATIONS, AND RECORDS WITH AFFIDAVITS, Obtaining and Using Evidence, (1993).

Milbank, Tweed, Hadley & McCloy, Litigation Section, New York City, New York

TORT REFORM — TEXAS STYLE, (1996); also presented “CONTORTS” — THE MERGING OF THE INCONSISTENT CONCEPTS OF CONTRACT AND TORT LAW (1991).

Southern Methodist University School of Law, Dallas, Texas

RECENT DECISIONS OF THE TEXAS SUPREME COURT, Appellate Advocacy: Handling the Referred Appeal (1993); also presented PATTERN JURY CHARGES IN CIVIL LITIGATION, 7<sup>th</sup> Annual Advanced Civil Litigation Institute (1989).

(In addition, presented numerous outlines and talks on current legal and appellate advocacy issues to organizations such as Texas State Bar sections, local Bar Associations, law school groups and civic organizations).

### **Professional Memberships and Activities**

American Law Institute (Elected Member), Philadelphia, Pennsylvania (1996 to present).

Appellate Judges Conference of the Judicial Division, American Bar Association, Chicago, Illinois (1987 to present):

Executive Committee (1997 to 2004); Chair (2002 to 2003).

Appellate Judges Education Institute, SMU Dedman Law School, Dallas, Texas (2002 to present):

Founder and President (2002 to present).

National Center for State Courts, Williamsburg, Virginia (1994 to 2002).

Institute for Judicial Administration, New York University Law School, New York, New York (1990 to present):

Research Conference on Civil Justice Reform (1993).

Faculty Member Appellate Judges Seminar (1999).

American Judicature Society (1985 to present).

National Council of Chief Judges of Intermediate Courts of Appeal, Chicago, Illinois (1987 to present):

Member, Education Committee (1989 to 1992).

Texas Center for the Judiciary, Austin, Texas (1981 to present):

Member of faculty (1986 to 1990, 2004).

American Inns of Court, Robert W. Calvert Chapter, Austin, Texas, (2007 to present):

Master.

American Inns of Court, William M. (Mac) Taylor, Jr. Chapter, Dallas, Texas, (1990 to 1993):

Master.

State Bar of Texas, Austin, Texas (1975 to present):

Member, Litigation Section (2007 to present); Chair, Public Affairs Committee (2004 to 2008); Texas Supreme Court liaison to State Bar Board (1999 to 2003); Chair, Appellate Judges Division of Judicial Section (1990 to 1991); Chair, Professional Efficiency & Economic Research Committee (1988 to 1992); Member, Judicial Section (1981 to present); Appellate Practice and Advocacy Section (1987 to present); and Administration of Justice Committee (1985 to 1986).

Dallas Bar Association, Dallas, Texas (1976 to present):

Member, Board of Directors (1986 to 1990); Member, Task Force on Ethics and Racial Bias in the Courts (2004 to present); Chair, Courts and Court Facilities Department (1985 to 1989); member, Judiciary, Courthouse, and Continuing Legal Education Committees (1982 to 1992); Chair, Goals for Dallas Subcommittee (1980)

Texas Association of Young Lawyers (1975 to 1988):

Member, Judicial Administration Committee (1983 to 1986).

Law and Organizational Economics Center, Lawrence, Kansas (1995 to 2003):

Judicial Advisory Board Member (1997 to 2005).

Southern Methodist University Law Review

Board of Advisors

### **List of Engagements as Expert Witness**

Arbitration No. 111893; *S&T Oil Equipment & Machinery Ltd. and Valerian Simirica v. King & Spalding LLP*; In the London Court of International Arbitration.

Cause No. CC-07-15249; *Gerald C. Marshall, Jr. v. John L. Hubble, individually and d/b/a Hubble & Pistorius, Evan Lane Shaw, the Law Offices of Van Shaw, Daniel*

*Sheehan, and Daniel Sheehan & Associates, LLP*; In the County Court-at-Law No. 3 of Dallas County, Texas.

Cause No. 09-2554; *John P. Rochon v. Mary Kay Inc.*; In the 298<sup>th</sup> Judicial District Court of Dallas County, Texas.

Cause No. 2008-39598; *D. Bobbitt Noel, Jr. v. Devon Energy Production Co., L.P. f/k/a Devon Energy Holdings, LLC f/k/a Chief Holdings LLC, and Trevor D. Rees-Jones*; In the 127<sup>th</sup> Judicial District Court of Harris County, Texas.

Cause No. 4:04 CV 00754 CAS; *Daughters of Charity National Health System, Inc., et al. v. National Union Fire Insurance Company of Pittsburgh, PA*; In the United States District Court, Eastern District of Missouri.

Cause No. B-170,462; *Terri Shields v. Bridgestone/Firestone, Inc., et al.*; In the 172<sup>nd</sup> Judicial District Court of Jefferson County, Texas.

Cause No. 03-603-B; *Kathleen C. Cailloux, et al. v. Baker Botts, L.L.P., et al.*; In the 198<sup>th</sup> Judicial District Court of Kerr County, Texas.

Cause No. 05-06991; *Christopher M. Marlowe v. Cogent Partners, L.P.*; In the 134<sup>th</sup> Judicial District Court of Dallas County, Texas.

*Martha Wood, et al. v. John M. O'Quinn, d/b/a O'Quinn & Laminack, et al.*; American Arbitration Association.

Cause No. 03-D-0266-202; *In the Interest of Nora Elizabeth Toohey and John Joseph Toohey, III*; In the 202<sup>nd</sup> Judicial District Court, Bowie County, Texas.

Cause No. GN304388; *Robert Loiseau, Special Deputy Receiver of American Benefit Plans, et al. v. Robert David Neal, et al.*; In the 53<sup>rd</sup> Judicial District of Travis County, Texas.

Cause No. 02-4658; *Bill R. Hutton v. Bridgestone/Firestone, Inc., et al., and Skyline Ford Sales, Inc. v. AER Manufacturing II, Inc.*

Case No. 45,515-C; *CWFS v. Robert L. Gegios; William J. French; Gibbs, Roper, Loots & Williams, S.C.; and Von Briesen, Purtell & Roper, S.C.*

AAA No. 70 180 00399; *In the Matter of the Arbitration Between Bowen, Miclette, Britt, Inc., Samuel F. Bowen, David G. Miclette, Edward G. Britt, Jr. and Rick D. Baty.*

Cause No. 05-04-03592, *Todd Peters; Malvin D. Peters; Lynette S. Peters, and the M&L Family Limited Partnership v. Phillipe Mulacek; Petroleum Independent and Exploration Corporation; Interoil Corporation; EP Interoil, LTD.; S.P. Interoil,*

*L.D.C.; P.I.E. Group, LLC; Nikiski Partners, LTD.; and Commodities Trading International Corporation*, in the 284th District Court of Montgomery County, Texas.

Cause No. 2004-49666, *Martin Aguirre v. Timco Scrap Processing, Inc. and Samuel Cruz Rosales*; in the District Court of Harris County, Texas.

Unauthorized Practice of Law Committee complaint about Mauricio Celis and CGT Law Group International, LLP.

Consolidated under Cause No. 2005-12344, *SW Land Partners, LTD v. Craig M. Van De Mark*, In the 295th Judicial District Court of Harris County, Texas.

Cause No. 03:11-cv-00040; *ORIX Capital Markets, LLC, Special Servicer for Bank of America, National Association, Successor by Merger with LaSalle Bank National Association, Trustee for the GS Mortgage Securities Corporation II, Commercial Mortgage Pass-Through Certificates, Series 1999-C v. Liaquat A. Pirani*; In the United States District Court, Northern District of Texas, Dallas Division

### **Awards and Honors**

Selected among the Best Lawyers in America in the specialty of Appellate Law, The Best Lawyers in America (2007 - 2014).

Texas Super Lawyers, Appellate, *Texas Monthly*, 2005-2013.

Top Attorneys in Texas, Appellate, *Texas Monthly*, 2011-2013

Chambers & Partners USA Guide, 2010.

Distinguished Alumni Award, Southern Methodist University (2006)

Outstanding Lead Article Award, Texas Tech Law Review (2006 – 2007).

Judge Edward R. Finch Law Day Speech Award, American Bar Association (2001).

Harold F. Kleinman Award, Texas Equal Access to Justice Foundation (highest award given for volunteer service) (2000).

Distinguished Law Alumni Award for Judicial Service, Southern Methodist University, Dedman School of Law (1999).

William H. Spurgeon III Award, Circle 10 Council, Boy Scouts of America (highest award given for service to Exploring) (1991).

Outstanding Young Lawyer in Dallas, Dallas Young Lawyer Association (1985).

Fellow, American, Texas and Dallas Bar Foundations.

### **Educational Background**

Post-Graduate Education includes:

Board Certified in Civil Trial Law – Texas Board of Legal Specialization. Requires recertification every five years with proof of trial experience and 30 hours annually of continuing legal education.

Member, College of the State Bar. Requires enhanced number of annual hours of continuing legal education.

Seventh Economics Institute for State Judges, Kansas University Law School, Lawrence, Kansas (1997); Appellate Judges Advanced Series Seminar, Institute of Judicial Administration, New York University School of Law, New York, New York (1994); Seminar on Medical Malpractice Issues, Vanderbilt Institute for Public Policy Studies, Vanderbilt University Law School, Nashville, Tennessee (1994).

Graduate Education:

University of Virginia School of Law, Master of Laws (Judicial Process) (1992).

Southern Methodist University, Dedman School of Law, Juris Doctor (1975).

Undergraduate Education:

Southern Methodist University, Bachelor of Arts (Political Science) (1972).

### **Military Experience**

Captain, United States Air Force Reserve:

Served tour of duty with 381 Combat Support Group, McConnell A.F.B., Kansas. Received commendation letter for work as Assistant Director of Administration in charge of classified documents. Honorable Discharge 1981.

### **Community Activities**

Texas Supreme Court Historical Society, President, 2010-2011; member (2003 to present).

Texas Judicial Districts Board, Gubernatorial Appointee, member (2007 to present)

Southern Methodist University:

Member, Law Executive Board (1993 to present); Law School Sustentation Drive (1975 to 1981); member Alumni Association (1972 to present); 10th,

15<sup>th</sup>, 20<sup>th</sup> and 30<sup>th</sup> Year Reunion Committees, (1981 to 1992); Design for Third Generation Fund (1979 to 1981).

Scottish Rite Learning Center, Austin, Texas:

Member, Community Advisory Board (2005 to 2009).

Boy Scouts of America:

Member, Circle 10 Council (Dallas, Texas) Executive Board Advisory Committee (1991 to present); member, Circle 10 Council Committee on Exploring (1988 to 1994), Chair, Membership Subcommittee (1988 to 1992); member, Circle 10 Council Steering Committee on Scouting for the Handicapped (1981 to 1988), Chair, Program Subcommittee (1982 to 1986).

Meals on Wheels:

Co-Chair, Task Force on Meal Delivery, Community Council of Greater Dallas, Dallas, Texas (1986 to 1989).

Kiwanis International:

Honorary Member (1990 to present); active member (1976 to 1990); Texas-Oklahoma District Lt. Governor (1983 to 1984); Kiwanis Club of Dallas President (1982 to 1983), club's projects included Area 10 Special Olympics, hearing aids for indigent persons, children's dental clinic, various youth organizations in several schools, and Camp Kiwanis.

Associations for Children with Learning Disabilities:

Member, Richardson Association for Children with Learning Disabilities (1978 to 1992), Board of Directors (1990 to 1992), Advisory Board (1978 to 1988); member, Texas Association for Children with Learning Disabilities (1978 to 1985); member, regional training team; workshop lecturer and instructor.

### **Church Activities**

Lake Hills Church, Austin, Texas (2010 to present)

Good Shepherd Episcopal Church, Austin, Texas (1993 to 2010):

Delegate to Texas Diocesan Council, Sunday School teacher, Coordinator for Ushers.

St. Michael and All Angels Episcopal Church, Dallas, Texas (1986 to 1993):

Member, Couples Class; Stewardship Task Force; Annual Garage Sale Committee.

St. Alban's Collegiate Episcopal Chapel (Canterbury House), Dallas, Texas (1975 to 1986):

Member, Board of Trustees (1982 to 1986); Chair, Board of Trustees (1982 to 1984).

### **Family Information**

Born April 3, 1950. Married to Kathryn (Kay) Stafford Barker Enoch, formerly Senior Attorney for Lone Star Gas Company and Associate General Counsel for Southern Methodist University with endowment and development responsibilities, and most recently, having served as President of Helping Hand Home for Children, an Austin, Texas based residential treatment and foster home placement center for abused children. Kay is also a graduate of both Southern Methodist University (B.A., 1973) and Southern Methodist University, Dedman Law School (J.D., 1977) and is equally active in various professional, civic, alumni, and church organizations. Craig and Kay have two adult children.

Unofficial copy Travis Co. District Clerk Velda Lopez

**ENOCH KEVER PLLC**  
 One American Center  
 600 Congress Avenue, Suite 2800  
 Austin, TX 78701  
 Tax I.D. Number: 27-4508316

October 4, 2013

Texans for Real Efficiency and Equity in Education  
 c/o Kent Grusendorf  
 2401 Westlake Pass  
 Austin, TX 78746

Invoice No.: 2337  
 Client No.: 12040  
 Matter No.: 00001  
 Bill Through: 10/04/2013

Re: School Finance

Balance of invoice dated: 04/03/2013	\$10,000.00
Payments received since last invoice	\$10,000.00

PROFESSIONAL SERVICES

03/06/2013	MAL	Communication regarding findings of fact, final judgment, and whether appeal should be to Supreme Court or court of appeals.	0.40 hrs
03/06/2013	ALS	Review and revise Findings of Fact based upon suggestions by Craig Enoch.	3.00 hrs
03/06/2013	SLO	Research Supreme Court's direct appeal jurisdiction when a statute is held unconstitutional.	0.50 hrs
03/07/2013	MAL	Research related to direct appeal issues; coordination regarding final judgment.	0.40 hrs
03/08/2013	MAL	Conference call regarding and draft revisions to final judgment; communication regarding findings of fact.	2.70 hrs
03/08/2013	ALS	Conference call with Chris Diamond, Melissa Lorber, and Craig Enoch regarding Findings of Fact; review related materials prior to call.	1.50 hrs
03/09/2013	CTE	Work on Findings draft.	0.50 hrs
03/10/2013	CTE	Work on revisions for Findings of Fact and reorganize presentation.	2.50 hrs
03/11/2013	CTE	Work on Findings of Fact and revisions to draft findings; review email regarding other parties' submissions.	2.90 hrs
03/11/2013	MAL	Work on findings of fact and final judgment; communication regarding same.	1.20 hrs
03/11/2013	ALS	Review suggestions by Craig Enoch to Findings of Fact.	1.50 hrs
03/12/2013	MAL	Finalize findings of fact and proposed final judgment.	1.30 hrs
03/12/2013	CCM	Prepare Efficiency Intervenor's Findings of Fact for electronic filing and service; file same.	0.30 hrs
03/13/2013	MAL	Review plaintiffs' findings of fact and conclusions of law and communication regarding same; coordinate filing of letter with proposed judgment; communication regarding conference with Kent Grusendorf.	1.20 hrs
03/13/2013	CCM	Finalize and prepare correspondence to Judge Dietz with proposed final judgment for electronic filing and service; file same.	0.00 hrs
03/13/2013	ALS	Draft cover letter in TREE; meet with Kent Grusendorf concerning idea for appeal; conference with Craig Enoch and Melissa Lorber concerning meeting.	1.50 hrs
03/14/2013	CTE	Participate in call with team to review draft of Findings of Fact.	0.80 hrs
03/14/2013	MAL	Conference call regarding findings of fact and conclusions of law and	1.00 hrs

		settlement strategy issues.	
03/17/2013	CTE	Study questions about Findings from Chris Diamond.	0.40 hrs
03/18/2013	CTE	Work on Findings objections.	0.50 hrs
03/18/2013	MAL	Communication with Craig Enoch and Chris Diamond regarding legal issues and objections to findings of fact.	0.50 hrs
03/20/2013	MAL	Communication with Craig Enoch regarding letter to Judge Dietz regarding proposed findings of fact.	0.10 hrs
03/21/2013	CTE	Review theme for objection to Plaintiff's Findings and Conclusions.	0.50 hrs
03/21/2013	MAL	Draft revisions to response and objections to plaintiffs' proposed findings of fact and conclusions of law.	2.60 hrs
03/21/2013	ALS	Review and revise response to Findings of Fact of Plaintiffs.	0.00 hrs
03/22/2013	CTE	Review and offer revisions to Objection to Plaintiff's Findings and Conclusion and file.	2.00 hrs
03/22/2013	ALS	Finalize response to Findings of Fact of Plaintiffs and prepare for judge; conference with Chris Diamond.	3.50 hrs
03/22/2013	SLO	Research issue of redundant remedies in Attorney General's response to request for attorney's fees.	2.70 hrs
03/25/2013	MAL	Final review of objection to proposed findings of fact and conclusions of law; review and communication regarding Shelby O'Brien's research about redundant remedies doctrine.	0.20 hrs
03/25/2013	CCM	Prepare Efficiency Intervenors' Response to The Texas School District System Plaintiffs' Proposed Findings of Fact and Conclusions of Law for electronic filing and file same.	0.30 hrs
03/25/2013	SLO	Research redundant remedies doctrine argued by the State in its response to request for attorney's fees.	2.70 hrs
03/27/2013	CTE	Meet with Kent Grusenon to strategize on relief requested for appellate briefing.	1.00 hrs
04/25/2013	CTE	Review letters regarding delays in Judgment entry.	0.40 hrs
04/26/2013	CTE	Study letters regarding Judges' Judgment delay.	0.30 hrs
06/03/2013	MAL	Communication with Chris Diamond and Craig Enoch regarding trial court's setting of hearing on updates from legislative session.	0.30 hrs
06/05/2013	MAL	Attend hearing regarding reopening evidence to show legislative changes.	1.60 hrs
06/07/2013	CTE	Review hearing schedule for Chris Diamond.	0.30 hrs
06/12/2013	MAL	Communication regarding motion to reopen evidence.	0.10 hrs
06/13/2013	CTE	Review issues about re-opening the trial court record.	0.30 hrs
06/13/2013	MAL	Review proposed motion to reopen evidence; communication with Craig Enoch and Chris Diamond regarding related issues.	0.50 hrs
06/14/2013	MAL	Conference call with Chris Diamond and Craig Enoch; conference call with counsel for all parties regarding reopening evidence.	0.90 hrs
06/17/2013	MAL	Review Chris Diamond's draft regarding our position on re-opening evidence and suggest revisions.	0.40 hrs
06/18/2013	MAL	Review motions and spreadsheets presented to court; communication with Chris Diamond regarding strategy.	0.60 hrs
06/19/2013	MAL	Attend hearing regarding reopening of evidence; communication with Chris Diamond regarding next steps.	2.40 hrs
07/02/2013	MAL	Communication with Chris Diamond regarding amended pleadings, scheduling order deadline, and other pending issues.	0.30 hrs

07/08/2013	MAL	Communication with Chris Diamond regarding phone conference with all counsel.	0.10 hrs
07/09/2013	MAL	Communication regarding issues related to scheduling order, list of relevant legislation, and other pending issues.	0.30 hrs
07/10/2013	CTE	Review email by Chris Diamond for state's attorneys regarding a proposed scheduling order.	0.40 hrs
07/10/2013	MAL	Communication regarding issues related to scheduling order, list of relevant legislation, and other pending issues.	0.20 hrs
07/11/2013	MAL	Communication regarding issues related to reopened trial, deadlines, etc.	0.20 hrs
07/12/2013	MAL	Participate in conference call regarding court deadlines and relevant legislation; related communication with Chris Diamond and Craig Enoch.	2.00 hrs
07/12/2013	ALS	Review emails related to status of case.	0.30 hrs
07/15/2013	MAL	Communication with opposing counsel group regarding scheduling order and list of legislation.	0.20 hrs
07/16/2013	MAL	Communication with opposing counsel, Chris Diamond and Kent Grusendorf regarding scheduling order and list of legislation; review legislation to determine effective date.	0.70 hrs
07/17/2013	MAL	Communication with opposing counsel regarding and finalize agreed scheduling order and list of legislation; communication with Kent Grusendorf and Chris Diamond.	1.00 hrs
08/02/2013	MAL	Begin review of court's findings of fact and conclusions of law; communication regarding same.	0.30 hrs
08/05/2013	MAL	Review communication with Judge Dietz; communication regarding amended pleading.	0.20 hrs
08/06/2013	CTE	Study pleading draft for refile amended petition.	0.40 hrs
08/06/2013	MAL	Review amended pleading and discussion with Craig Enoch.	0.20 hrs
08/07/2013	MAL	Communication regarding amended petition and upcoming court conferences.	0.30 hrs
08/08/2013	CTE	Study and offer suggestions for remedy request for pleading amendment regarding Hanushek chart on school district performances; report suggestions to Chris Diamond.	1.30 hrs
08/12/2013	MAL	Communication with Chris Diamond and review materials from Kent Grusendorf.	0.20 hrs
08/15/2013	MAL	Review motion by state to withdraw request for FOF and COL; communication with Chris Diamond regarding same.	0.10 hrs
08/19/2013	MAL	Analysis with Chris Diamond and Craig Enoch about issues to be raised at conference with judge.	0.90 hrs
08/20/2013	MAL	Communication with Chris Diamond.	0.10 hrs
08/21/2013	CTE	Review latest information about Judge Dietz conference; participate in strategy conference call with Chris Diamond to consider steps going forward.	1.80 hrs
08/21/2013	MAL	Strategy call with Chris Diamond, Craig Enoch, and Amy Saberian.	0.90 hrs
08/26/2013	CTE	Review witness designation, work on meeting schedule.	0.40 hrs
08/26/2013	MAL	Communication regarding fact witness list and meeting with State attorneys.	0.10 hrs
08/27/2013	MAL	Communication regarding meeting with state attorneys.	0.10 hrs

08/29/2013	MAL	Communication with Craig Enoch and Chris Diamond.	0.10 hrs
09/03/2013	MAL	Communication with Craig Enoch and Chris Diamond and draft revisions to objection to sealing record.	0.90 hrs
09/03/2013	ALS	Review rule 76a response and M. Lorber changes.	0.40 hrs
09/04/2013	CTE	Prepare for conference with State's attorneys; participate in conference to discuss trial court's work sessions and strategy for getting judgment and case in posture for appeal.	3.50 hrs
09/04/2013	CTE	Prepare for conference with State's attorneys; participate in conference to discuss trial court's work sessions and strategy for getting judgment and case in posture for appeal.	3.50 hrs
09/04/2013	MAL	Strategy meeting with state attorneys and our team.	2.20 hrs
09/04/2013	ALS	Review materials in case in preparation for lunch meeting; lunch meeting with State.	2.20 hrs
09/05/2013	CTE	Review draft of objections to trial court's considering sealing work session transcript; offer suggestions to Chris Diamond.	1.10 hrs
09/05/2013	CTE	Review draft of objections to trial court's considering sealing work session transcript; offer suggestions to Chris Diamond.	1.10 hrs
09/05/2013	MAL	Communication with Craig Enoch and Chris Diamond regarding objection to sealing the record.	0.10 hrs
09/09/2013	ALS	Review emails concerning case.	0.40 hrs
09/10/2013	MAL	Communication regarding upcoming monthly status meetings.	0.10 hrs
09/11/2013	CTE	Prepare for court conference.	0.70 hrs
09/11/2013	MAL	Review brief regarding reopening evidence; communication with Chris Diamond regarding same.	0.30 hrs
09/12/2013	CTE	Prepare for court status conference and attend conference.	2.10 hrs
09/12/2013	MAL	Communication with Craig Enoch regarding hearing.	0.10 hrs
09/12/2013	ALS	Review emails.	0.30 hrs
09/16/2013	ALS	Review and respond to emails.	0.30 hrs
09/19/2013	MAL	Analysis of issues related to next steps; communication with Chris Diamond.	0.60 hrs
09/19/2013	ALS	Review and respond to emails.	0.30 hrs
09/20/2013	CTE	Discuss with Melissa Lorber options to challenge court's reopening evidence; telephone conference call with Chris Diamond and trial team to review potential motions to present to court to seek review of trial court's decision to reopen the evidence.	1.60 hrs
09/20/2013	MAL	Conference call regarding motion to dismiss and potential mandamus regarding same.	0.60 hrs
09/20/2013	ALS	Telephone conference call concerning strategy in case and next steps; review materials in case to be up-to-speed for call.	1.00 hrs
09/20/2013	SLO	Participate in phone conference call with Craig Enoch, Melissa Lorber, Amy Saberian, and Chris Diamond.	0.80 hrs
09/23/2013	MAL	Communication with Shelby O'Brien regarding research issues for motion to dismiss as moot; communication with Chris Diamond regarding scheduling issues.	0.30 hrs
09/23/2013	SLO	Research various issues for inclusion in motion to dismiss for want of jurisdiction (standing, ripeness, and mootness).	3.90 hrs
09/24/2013	MAL	Discuss legal arguments with Craig Enoch and Shelby O'Brien.	0.30 hrs

09/24/2013	SLO	Draft memo to Melissa Lorber on mootness and ripeness for inclusion in Plea to the Jurisdiction.	2.70 hrs
09/25/2013	MAL	Draft plea to the jurisdiction and motion for entry of judgment.	5.30 hrs
09/26/2013	MAL	Draft revisions to plea to jurisdiction.	1.10 hrs
09/26/2013	ALS	Review and respond to emails.	0.30 hrs
09/27/2013	CTE	Study draft plea to jurisdiction; discuss issues with Melissa Lorber and Shelby O'Brien; review with Chris Diamond and Kent Grusendorf; offer final edits to plea to Shelby O'Brien and confirm service and discuss hearing date with team.	2.20 hrs
09/27/2013	MAL	Finalize revisions, file and serve plea to jurisdiction; communication regarding scheduling for hearing.	1.70 hrs
09/27/2013	CCM	Prepare Efficiency Intervenors' Plea to the Jurisdiction and Motion for Entry of Final Judgment and exhibits for electronic filing and service; file same.	0.80 hrs
09/27/2013	SLO	Proofread and cite check plea to the jurisdiction	1.20 hrs
09/30/2013	MAL	Coordinate scheduling of hearing; draft notice of hearing; analysis of issues for hearing.	0.50 hrs
09/30/2013	CCM	Prepare Notice Hearing on Efficiency Intervenors' Plea to the Jurisdiction and Motion for Entry of Final Judgment for electronic filing and service; file same.	0.20 hrs
10/02/2013	CTE	Work with trial team to prepare for Oct. 4 hearing on jurisdiction motion.	0.80 hrs
10/02/2013	MAL	Strategize for hearing on plea to jurisdiction; review motion for judicial notice and communication with Chris Diamond regarding same.	1.00 hrs
10/02/2013	ALS	Meeting to discuss arguments for hearing.	0.80 hrs
10/02/2013	SLO	Assist Amy Saberian in preparing for hearing on plea to the jurisdiction.	1.30 hrs
10/03/2013	MAL	Review response to plea to jurisdiction and state's joinder and discuss arguments for hearing.	0.50 hrs
10/03/2013	ALS	Prepare for hearing on plea to the jurisdiction; review materials pertinent to case.	4.40 hrs
10/03/2013	SLO	Assist Amy Saberian in preparing for hearing on plea to the jurisdiction.	1.00 hrs
10/04/2013	CTE	Debriefing on court hearing with Amy Saberian and Melissa Lorber.	0.60 hrs
10/04/2013	MAL	Work with Amy Saberian to prepare for and attend and participate at hearing; communication with Craig Enoch regarding next steps.	3.70 hrs
10/04/2013	ALS	Prepare for hearing on plea to the jurisdiction; attend hearing.	4.70 hrs

Timekeeper Summary

Timekeeper	Hours	Rate	Amount
Saberian, Amy Leila	26.40 hrs	360.00	\$9,504.00
McCool, Cyd C	1.60 hrs	75.00	\$120.00
Enoch, Craig T.	33.90 hrs	665.00	\$22,543.50
Lorber, Melissa A.	46.20 hrs	385.00	\$17,787.00
O'Brien, Shelby	16.80 hrs	325.00	\$5,460.00

Total fees for this matter

\$55,414.50

EXPENSES

03/12/2013	ProDoc eFiling - Electronic filing and service fees for Efficiency Intervenors' Findings of Fact.	14.06
03/12/2013	ProDoc eFiling - Electronic filing and service fees for proposed final judgment.	19.68
03/13/2013	ProDoc eFiling - Electronic filing and service fees for letter to Judge Dietz with proposed final judgment.	14.06
03/25/2013	ProDoc eFiling - Electronic filing and service fees for Efficiency Intervenors' Response to Filings of Fact.	19.68
03/31/2013	Pacer - Obtain electronic copies of court documents on 3/4/2013.	1.20
03/31/2013	Westlaw - Electronic Research	58.21
09/27/2013	ProDoc eFiling - Electronic filing and service fees for Efficiency Intervenors' Plea to the Jurisdiction and Motion for Entry of Final Judgment.	14.06
09/30/2013	Westlaw - Electronic research performed in September 2013.	50.90
09/30/2013	ProDoc eFiling - Electronic filing and service fees for Notice of Hearing on Efficiency Intervenor's Plea to the Jurisdiction.	14.06
10/04/2013	Copy Expenses	1.95
	Total expenses for this matter	<hr/> \$207.86

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