

Case No. 2014-0749

IN THE
Supreme Court of Ohio

STATE EX REL. SCHOOL CHOICE OHIO, INC.,

Relator,

v.

CINCINNATI PUBLIC SCHOOL DISTRICT ET AL.,

Respondents,

Original Action in Mandamus

**RELATOR SCHOOL CHOICE OHIO'S
APPLICATION FOR ATTORNEYS' FEES AND COSTS**

David T. Movius (0070132)

Counsel of Record

Matthew J. Cavanagh (0079522)

Mark J. Masterson (0086395)

McDonald Hopkins LLC

600 Superior Avenue, E., Suite 2100

Cleveland, Ohio 44114

T: (216) 348-5400 | F: (216) 348-5474

dmovius@mcdonaldhopkins.com

mcavanagh@mcdonaldhopkins.com

Counsel for School Choice Ohio, Inc.

Lawrence E. Barbieri (0027106)

Counsel of Record

Scott A. Sollman (0081467)

Schroeder, Maundrell, Barbieri & Powers

5300 Socialville-Foster Road, Suite 2000

Mason, Ohio 45040

Springfield, Ohio 45501

Tel.: (513) 583-4200 | Fax: (513) 583-4203

lbarbieri@smbplaw.com

ssollmann@smbplaw.com

Karen W. Osborn (0065341)

Martin, Browne, Hull & Harper, PLL

One South Limestone Street, 8th Floor

P.O. Box 1488

Springfield, Ohio 45501

T: (937) 324-5541 | F: (937) 325-5432

kosborn@martinbrowne.com

Counsel for Springfield City School District

The Court in its July 21, 2016 opinion granted, in part, relator School Choice Ohio's request for a writ of mandamus compelling respondent Springfield City School District to comply with its public records requests and awarded School Choice Ohio statutory damages in the amount of \$1,000, along with its costs and its reasonable attorneys' fees. *See State ex rel. School Choice Ohio v. Cincinnati Public School District et al.*, 2016-Ohio-5026, ¶¶ 46-49. Pursuant to the Court's June 21, 2016, entry, School Choice Ohio hereby applies for an award of \$156,096.25 in attorneys' fees, as itemized on **Exhibit A**, and court costs of \$124.30, as itemized on **Exhibit B**.

The undersigned attorney for School Choice Ohio has considered each of the factors under Rule 1.5 of the Ohio Rules of Professional Conduct in connection with this application and respectfully submits that the requested fees are reasonable. None of the identified work would have been necessary but for Springfield's failure to comply with its public records obligations under R.C. 149.43 based on the directory information policy it specifically deployed to deny School Choice Ohio the public records it needs. Springfield based its refusal on a novel and highly-technical application of the federal Family Educational Right to Privacy Act ("FERPA"). As a result, this case was substantially more complex and difficult than a typical public records action.

The services and corresponding fees identified on **Exhibit A** are for the services of the undersigned attorney David Movius (identified as "DTM"), attorneys Matthew J. Cavanagh ("MJC") and Mark Masterson ("MM"), and paralegal Robbie Bannan ("RHB") who assisted him. Mr. Movius has been practicing law in Ohio for eighteen years, during which time he has represented both public and private clients in matters relating to the

Public Records Act, including before this Court, and has presented continuing legal education on technology issues arising under the Public Records Act. Attorney Matthew Cavanagh likewise has substantial experience representing public and private clients in matters relating to the Public Records Act. School Choice Ohio's counsel practices in Cleveland, Ohio, and the hourly rates charged for their work for this case are consistent with the rates charged by the identified attorneys and paralegal for similar legal services.

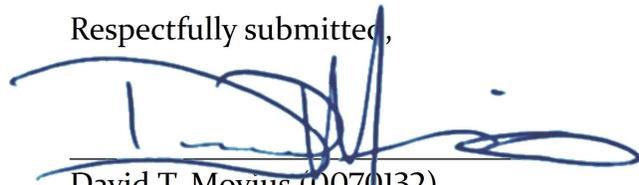
Approximately 56% of the fees School Choice Ohio incurred relate to its pleadings, mediation, and merits briefing. A substantial part of School Choice Ohio's remaining fees were incurred as a result of the manner in which Springfield City Schools defended this action. For example, School Choice Ohio incurred nearly 40% of its non-briefing fees as a result of Springfield City Schools' request for oral argument, and almost 20% of its non-briefing fees were incurred responding to Springfield City Schools' far-ranging discovery requests, including subpoenas it propounded on third party vendors and requests for donor information that had, at most, only tangential relevance to this action since only its—and not School Choice Ohio's—conduct was at issue. Springfield also resisted providing critical discovery until after School Choice Ohio prepared and threatened to file a motion to compel.

Finally, School Choice Ohio has limited this application to just the fees it incurred after its counsel began separately tracking their time for this matter. As such, this application does not include the pre-litigation fees School Choice Ohio incurred over many months trying in good faith to secure Springfield City School's compliance with its public records obligations before it initiated this action or its initial preparation to bring

this action. School Choice Ohio also has excluded all of its fees incurred on work that related solely to its claims against Cincinnati Public School District and it has discounted its fees that related to both respondents prior to the dismissal of Cincinnati Public School District by 50%. Finally, School Choice Ohio has excluded the fees it incurred for work that was related to, but not essential for, its prosecution of this action, such as for responding to media inquiries as indicated in the “Notes” column of *Exhibit A*. These exclusions account for nearly 13% of the total fees that School Choice Ohio actually incurred.

Based on the foregoing, and in view of the results obtained, the novelty and difficulty of this case, the manner in which Springfield City Schools enacted and then defended its revised directory information policy, its existing relationship with its chosen counsel which pre-dates this case, and the hourly rates to which it agreed, School Choice Ohio submits that the amount of its fee application, including its court costs, is reasonable and should be paid by Springfield City Schools.

Respectfully submitted,



David T. Movius (0070132)

Counsel of Record

Matthew J. Cavanagh (0079522)

Mark J. Masterson (0086395)

MCDONALD HOPKINS LLC

600 Superior Avenue, E., Ste. 2100

Cleveland, Ohio 44114

Tel.: 216.348.5400

Fax: 216.348.5474

dmovius@mcdonaldhopkins.com

mcavanagh@mcdonaldhopkins.com

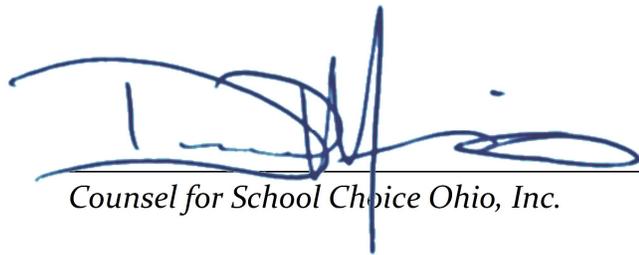
Counsel for School Choice Ohio, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ***Relator School Choice Ohio's Application for Attorneys' Fees and Costs*** was served this 10th day of August, 2016, on the following via email pursuant to Oho Rule of Civil Procedure 5(B)(2)(f) and S.Ct.Prac.R. 3.11(B)(1):

Lawrence E. Barbieri, lbarbieri@smbplaw.com
Scott A. Sollmann, ssollmann@smbplaw.com
Karen W. Osborn, kosborn@martinbrowne.com

Counsel for Springfield City School District



Counsel for School Choice Ohio, Inc.

Exhibit A

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
5/2/2014	DTM	REVISE DRAFT MANDAMUS COMPLAINT AND SEND SAME TO M. COX FOR REVIEW AND COMMENT.	3	\$1,320.00	\$660.00	50% allocated to Cincinnati Public Schools
5/6/2014	DTM	CORRESPONDENCE AND TELECONFERENCE M. COX REGARDING DRAFT MANDAMUS COMPLAINT; REVISIONS TO SAME.	1.6	\$704.00	\$352.00	50% allocated to Cincinnati Public Schools
5/7/2014	DTM	CORRESPOND WITH M. COX REGARDING DRAFT COMPLAINT; PREPARATION OF SUPPORTING AFFIDAVIT, INCLUDING EXHIBITS TO SAME; TELECONFERENCE WITH M. COX; CORRESPOND WITH K. FRAZIER REGARDING ADDITIONAL INFORMATION FOR DECLARATION; REVISE AND SEND COMPLAINT AND DECLARATION FOR REVIEW AND COMMENT.	4.3	\$1,892.00	\$946.00	50% allocated to Cincinnati Public Schools
5/7/2014	MJC	REVIEW DRAFT COMPLAINT AND DRAFT PROPOSED REVISIONS TO SAME; CONFER WITH D. MOVIUS REGARDING POTENTIAL REVISIONS TO COMPLAINT.	1.9	\$646.00	\$323.00	50% allocated to Cincinnati Public Schools
5/8/2014	DTM	REVISIONS TO SUPPORTING AFFIDAVIT; REVISIONS TO COMPLAINT; PREPARE SAME FOR FILING WITH OHIO SUPREME COURT.	2.1	\$924.00	\$462.00	50% allocated to Cincinnati Public Schools
5/9/2014	DTM	REVISE COMPLAINT AFFIDAVIT BASED ON COMMENTS BY MS. PECHAN; SEND SAME TO CLIENT FOR FINAL REVIEW AND APPROVAL; TELECONFERENCE WITH S. PECHAN; PREPARE FILINGS AND FORWARD FOR FILINGS WITH OHIO SUPREME COURT.	3.9	\$1,716.00	\$858.00	50% allocated to Cincinnati Public Schools
5/12/2014	DTM	CONFIRMATION OF FILING OF COMPLAINT; CORRESPONDENCE AND TELECONFERENCE WITH M. COX REGARDING SAME.	1	\$440.00	\$220.00	50% allocated to Cincinnati Public Schools
5/13/2014	DTM	CORRESPOND WITH M. COX.	0.3	\$132.00	\$66.00	50% allocated to Cincinnati Public Schools
5/14/2014	DTM	TELECONFERENCE WITH M. COX AND M. CAPUTO; INTERVIEW WITH SPRINGFIELD NEWS-SUN; CORRESPONDENCE REGARDING SAME; RESEARCH FERPA REGULATORY ISSUES.	1.9	\$836.00	\$198.00	50% allocated to Cincinnati Public Schools; 1 hr. excluded as non-litigation.
5/14/2014	MJC	WORK WITH D. MOVIUS TO PREPARE FOR CALL WITH SPRINGFIELD, OHIO, REPORTER; ATTEND	2.7	\$918.00	\$289.00	50% allocated to Cincinnati Public Schools; 1 hr. excluded as non-litigation.

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		TELECONFERENCE WITH SPRINGFIELD REPORTER; REVIEW LEGISLATIVE HISTORY OF OHIO REVISED CODE 3319.321; CONFER WITH D. MOVIUS REGARDING VARIOUS ARGUMENTS THAT SPRINGFIELD LIKELY WILL MAKE; REVIEW FEDERAL REGULATIONS FROM CFR THAT ADDRESS "DIRECTORY INFORMATION" AND PREPARE FOR RESPONSES TO ARGUMENTS BY CINCINNATI AND SPRINGFIELD SCHOOLS.				
5/19/2014	DTM	ATTENTION TO NOTICE FROM OHIO SUPREME COURT.	0.2	\$88.00	\$88.00	50% allocated to Cincinnati Public Schools
5/22/2014	DTM	ATTENTION TO CORRESPONDENCE FROM COUNSEL FOR SPRINGFIELD CITY SCHOOL DISTRICT.	0.2	\$88.00	\$88.00	
5/23/2014	DTM	ATTENTION TO MEDIATION ORDER.	0.2	\$88.00	\$44.00	50% allocated to Cincinnati Public Schools
5/27/2014	DTM	CORRESPONDENCE REGARDING MEDIATION ORDER.	0.2	\$88.00	\$44.00	50% allocated to Cincinnati Public Schools
6/3/2014	DTM	CONFERENCE WITH SUPREME COURT MEDIATION OFFICE; CORRESPONDENCE WITH M. COX; ATTENTION TO RECENT PUBLICITY MATTERS.	0.8	\$352.00	\$66.00	50% allocated to Cincinnati Public Schools; 0.5 hrs. excluded as non-litigation.
6/4/2014	DTM	PREPARE FOR AND CONDUCT INTERVIEW WITH CHOICE MEDIA; CORRESPOND WITH K. FRAZIER; COORDINATE WITH OHIO SUPREME COURT MEDIATOR.	1	\$440.00	\$110.00	50% allocated to Cincinnati Public Schools; 0.5 hrs. excluded as non-litigation.
6/6/2014	DTM	CALL WITH SUPREME COURT MEDIATION OFFICE REGARDING RESETTING DATE OF MEDIATION; CORRESPONDENCE REGARDING SAME.	0.3	\$132.00	\$66.00	50% allocated to Cincinnati Public Schools.
6/12/2014	DTM	CORRESPONDENCE WITH SUPREME COURT MEDIATION OFFICE; CORRESPONDENCE WITH M. COX.	0.2	\$88.00	\$44.00	50% allocated to Cincinnati Public Schools
6/16/2014	DTM	TELECONFERENCE WITH M. COX REGARDING CASE STATUS AND STRATEGY.	0.3	\$132.00	\$66.00	50% allocated to Cincinnati Public Schools
6/23/2014	DTM	CORRESPONDENCE WITH M. COX.	0.1	\$44.00	\$22.00	50% allocated to Cincinnati Public Schools
6/26/2014	DTM	INITIAL PREPARATION OF MEDIATION STATEMENT.	5.2	\$2,288.00	\$1,144.00	50% allocated to Cincinnati Public Schools
6/27/2014	DTM	CONTINUED PREPARATION OF MEDIATION STATEMENT.	4.1	\$1,804.00	\$902.00	50% allocated to Cincinnati Public Schools
6/30/2014	DTM	PREPARATION OF MEDIATION STATEMENT.	3.7	\$1,628.00	\$814.00	50% allocated to Cincinnati Public Schools
7/1/2014	DTM	REVISE MEDIATION STATEMENT AND SEND SAME TO M. COX FOR REVIEW AND COMMENT.	0.8	\$352.00	\$176.00	50% allocated to Cincinnati Public Schools
7/2/2014	DTM	ATTENTION TO MEDIATION NOTICE FROM OHIO SUPREME COURT; CORRESPONDENCE WITH M. COX REGARDING	2.5	\$1,100.00	\$550.00	50% allocated to Cincinnati Public Schools

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		SAME; FINAL REVIEW OF MEDIATION STATEMENT AND SERVICE OF SAME.				
7/7/2014	DTM	PREPARE FOR AND CONDUCT TELEPHONIC MEDIATION.	2.6	\$1,144.00	\$572.00	50% allocated to Cincinnati Public Schools
7/7/2014	MJC	CONFER WITH MR. MOVIUS REGARDING MEDIATION WITH BOTH RESPONDENTS AND POTENTIAL SETTLEMENT STRATEGY.	0.3	\$102.00	\$51.00	50% allocated to Cincinnati Public Schools
7/8/2014	DTM	CORRESPONDENCE WITH M. COX.	0.1	\$44.00	\$22.00	50% allocated to Cincinnati Public Schools
7/15/2014	DTM	DRAFT STATUS UPDATE MEMORANDUM.	1.2	\$528.00	\$264.00	50% allocated to Cincinnati Public Schools
7/17/2014	DTM	CORRESPONDENCE WITH M. COX.	0.1	\$44.00	\$22.00	50% allocated to Cincinnati Public Schools
7/21/2014	DTM	DRAFT DETAILED UPDATE MEMORANDUM; CORRESPOND WITH CLIENT REGARDING SAME AND OTHER MATTERS.	3.1	\$1,364.00	\$682.00	50% allocated to Cincinnati Public Schools
7/22/2014	DTM	CORRESPONDENCE WITH M. COX REGARDING INQUIRY.	0.2	\$88.00	\$44.00	50% allocated to Cincinnati Public Schools
7/25/2014	DTM	ATTENTION TO NOTICE FROM OHIO SUPREME COURT.	0.2	\$88.00	\$44.00	50% allocated to Cincinnati Public Schools
8/8/2014	DTM	ATTENTION TO ANSWER FILED BY SPRINGFIELD CITY SCHOOLS AND DISCOVERY REQUESTS SERVED BY SAME; CORRESPONDENCE WITH COUNSEL FOR CINCINNATI PUBLIC SCHOOLS.	0.3	\$132.00	\$44.00	Excludes 0.2 hrs. relating to correspondence with counsel for Cincinnati Public Schools.
8/12/2014	DTM	ANALYZE ANSWER AND AFFIRMATIVE DEFENSES FILED BY SPRINGFIELD CITY SCHOOLS; REVIEW SPRINGFIELD DISCOVERY REQUESTS; CORRESPONDENCE WITH M. COX TRANSMITTING SPRINGFIELD FILINGS AND UPDATE REGARDING MATTER STATUS.	1.2	\$528.00	\$528.00	
8/18/2014	MM	DISCUSS STATUS OF THE CASE WITH CO-COUNSEL; REVIEW COMPLAINT AND DOCKET.	1.5	\$337.50	\$168.75	50% allocated to Cincinnati Public Schools
8/20/2014	DTM	CORRESPONDENCE FROM COUNSEL FOR CINCINNATI PUBLIC SCHOOLS; CORRESPONDENCE WITH M. COX; ATTENTION TO SPRINGFIELD CITY SCHOOLS' DISCOVERY REQUESTS.	0.7	\$308.00	\$132.00	Excludes 0.4 hrs. relating to correspondence with counsel for Cincinnati Public Schools.
8/20/2014	MM	REVIEW DISCOVERY REQUEST FROM RESPONDENT, SPRINGFIELD CITY SCHOOLS. RESEARCH OHIO RULES OF CIVIL PROCEDURE; ANALYZE DISCOVERY REQUESTS AND OUTLINE RESPONSES FOR DISCUSSION WITH CO-COUNSEL.	6	\$1,350.00	\$1,350.00	
8/21/2014	MM	CONTINUE REVIEWING DISCOVERY MATERIALS; ANALYZE	3.3	\$742.50	\$742.50	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		INTERROGATORIES, REQUEST FOR ADMISSIONS, AND REQUEST FOR DOCUMENTS; OUTLINE OBJECTIONS AND POTENTIAL RESPONSES; DISCUSS ANALYSIS WITH CO-COUNSEL; BEGIN DRAFTING RESPONSES; CALL CLIENT AND LEAVE MESSAGE TO SCHEDULE A MEETING/PHONE CONFERENCE.				
8/21/2014	DTM	ANALYSIS OF SPRINGFIELD CITY SCHOOLS' DISCOVERY REQUEST AND STRATEGY FOR RESPONDING TO SAME; CORRESPONDENCE WITH COUNSEL FOR CINCINNATI PUBLIC SCHOOLS REGARDING SETTLEMENT AND MONETARY COUNTEROFFER.	1.3	\$572.00	\$352.00	Excludes 0.5 hrs. relating to correspondence with counsel for Cincinnati Public Schools.
8/25/2014	MM	REVIEW DISCOVERY MATTERS; DRAFT LIST OF QUESTIONS FOR CLIENT; CALL AND EMAIL CLIENT TO SCHEDULE TELECONFERENCE.	0.3	\$67.50	\$67.50	
8/27/2014	MM	REVIEW DISCOVERY REQUESTS PROPOUNDED BY SCSD TO SCO; DISCUSS DISCOVERY REQUESTS WITH MATT COX AND SARAH PECHAN DRIVER WITH SCO; BEGIN DRAFTED DISCOVERY RESPONSE; DRAFT GENERAL OBJECTIONS; ANALYZE EACH REQUEST AND DRAFT AN INDIVIDUAL RESPONSE TO EACH DISCOVERY REQUEST.	8	\$1,800.00	\$1,800.00	
8/27/2014	DTM	REVIEW DISCOVERY MATERIALS, INCLUDING TAX FILINGS.	0.3	\$132.00	\$132.00	
8/28/2014	DTM	ATTENTION TO RESPONSES TO SPRINGFIELD CITY SCHOOL DISTRICT'S DISCOVERY REQUESTS.	0.6	\$264.00	\$264.00	
8/29/2014	DTM	REVIEW SCHOOL CHOICE OHIO DISCOVERY MATERIALS AND DRAFT DISCOVERY RESPONSES.	0.4	\$176.00	\$176.00	
9/2/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR CINCINNATI PUBLIC SCHOOLS REGARDING SETTLEMENT AND THIRD PARTY PUBLIC RECORDS REQUEST ISSUES; INITIAL REVIEW OF DRAFT RESPONSES TO SPRINGFIELD'S DISCOVERY REQUESTS.	0.8	\$352.00	\$132.00	Excludes 0.5 hrs. relating to correspondence with counsel for Cincinnati Public Schools.
9/2/2014	MM	REVIEW RESPONSES TO DISCOVERY REQUESTS WITH MR. MOVIUS. REVISE DRAFT DISCOVERY REQUESTS AND SEND TO THE CLIENT FOR HIS REVIEW.	3	\$675.00	\$675.00	
9/3/2014	DTM	REVIEW AND REVISE DRAFT RESPONSES TO SPRINGFIELD'S DISCOVERY REQUESTS; CORRESPONDENCE WITH COUNSEL FOR CINCINNATI	2.4	\$1,056.00	\$748.00	Excludes 0.7 hrs. relating to correspondence with counsel for Cincinnati Public Schools.

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		PUBLIC SCHOOLS REGARDING SETTLEMENT ISSUES.				
9/4/2014	DTM	ATTENTION TO REVISED DISCOVERY REQUESTS.	0.3	\$132.00	\$132.00	
9/4/2014	MM	REVIEW DISCOVERY REQUESTS AND COMMENTS MADE BY MR. MOVIUS; REVISE SCHOOL CHOICE OHIO'S RESPONSE TO DISCOVERY REQUESTS; PROOFREAD AND SEND TO COLUMBUS OFFICE FOR THE CLIENT'S SIGNATURE OF INTERROGATORY VERIFICATION SHEET.	2.5	\$562.50	\$562.50	
9/16/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD REGARDING DISCOVERY ISSUES.	0.2	\$88.00	\$88.00	
9/17/2014	MM	REVIEW COMPLAINT AND ANSWER; RESEARCH LAW AND BEGIN OUTLINING REQUESTS TO INCLUDE IN DISCOVERY REQUESTS; BEGIN DRAFTING DISCOVERY REQUESTS.	1.3	\$292.50	\$292.50	
9/19/2014	RHB	PREPARED DOCUMENTS FOR PRODUCTION	0.6	\$102.00	\$102.00	
9/19/2014	DTM	ATTENTION TO DRAFT DISCOVERY REQUESTS; CORRESPONDENCE WITH M. COX REGARDING SETTLEMENT AGREEMENT.	0.8	\$352.00	\$132.00	Excludes 0.5 hrs. relating to settlement with counsel for Cincinnati Public Schools.
9/19/2014	MM	REVIEW SCHOOL CHOICE OHIO'S COMPLAINT AND THE ANSWER FILED BY SPRINGFIELD; REVIEW ALL EXISTING CORRESPONDENCE AND LEGAL ANALYSIS REGARDING SCHOOL CHOICE OHIO'S CLAIMS AGAINST SPRINGFIELD; CONTINUE DRAFTING FIRST SET OF INTERROGATORIES, FIRST SET OF REQUEST FOR ADMISSIONS, AND FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO SPRINGFIELD.	7.3	\$1,642.50	\$1,642.50	
9/22/2014	MM	CONTINUE DRAFTING DISCOVERY REQUESTS TO BE PROPOUNDED TO SPRINGFIELD CITY SCHOOL DISTRICT; REVIEW CORRESPONDENCE PROVIDED BY SPRINGFIELD; REVISE REQUESTS FOR PRODUCTION OF DOCUMENTS; PROOFREAD AND SUBMIT TO MR. MOVIUS FOR DISCUSSION AND REVIEW.	3	\$675.00	\$675.00	
9/22/2014	DTM	ATTENTION TO DRAFT DISCOVERY REQUESTS TO SPRINGFIELD; CORRESPONDENCE REGARDING CINCINNATI PUBLIC SCHOOLS SETTLEMENT AGREEMENT AND PAYMENT.	0.8	\$352.00	\$132.00	Excludes 0.5 hrs. relating to settlement with Cincinnati Public Schools.
9/25/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD	0.3	\$132.00	\$132.00	

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		CITY SCHOOLS.				
9/30/2014	DTM	REVIEW AND REVISE DRAFT DISCOVERY REQUESTS TO SPRINGFIELD.	0.9	\$396.00	\$396.00	
9/30/2014	MM	REVIEW DISCOVERY DOCUMENTS WITH MR. MOVIUS; ANALYZE AND REVISE INTERROGATORIES, REQUEST FOR ADMISSIONS AND REQUESTS FOR PRODUCTION OF DISCOVERY DOCUMENTS.	0.7	\$157.50	\$157.50	
10/1/2014	DTM	CORRESPONDENCE WITH M. COX REGARDING SPRINGFIELD SUBPOENAS AND ATTENTION TO DISCOVERY REQUESTS.	0.5	\$230.00	\$230.00	
10/1/2014	MM	REVISE REQUEST FOR DISCOVERY DOCUMENTS TO BE PROPOUNDED TO SPRINGFIELD CITY SCHOOL DISTRICT; REVIEW CORRESPONDENCE AND OTHER DISCOVERY DOCUMENTS; REVISE INTERROGATORIES, REQUESTS FOR ADMISSIONS AND REQUESTS FOR PRODUCTION OF DOCUMENTS.	2	\$470.00	\$470.00	
10/1/2014	RHB	PREPARED DOCUMENTS FOR PRODUCTION.	0.3	\$55.50	\$55.50	
10/2/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD CITY SCHOOLS; REVIEW DOCUMENTS FOR PRODUCTION.	0.9	\$414.00	\$414.00	
10/2/2014	MM	SUBMIT DOCUMENTS TO ATTORNEYS FOR SPRINGFIELD CITY SCHOOL DISTRICT; REVIEW DISCOVERY ITEMS AND DISCUSS WITH MR. MOVIUS; DRAFT AND SEND EMAIL OF DISCOVERY MATTERS TO CLIENT.	0.8	\$188.00	\$188.00	
10/3/2014	DTM	CORRESPONDENCE REGARDING DONOR RECORDS; CORRESPONDENCE WITH COUNSEL FOR CINCINNATI.	0.5	\$230.00	\$92.00	Excludes 0.3 hrs. relating to settlement with counsel for Cincinnati Public Schools.
10/6/2014	DTM	REVISE, FILE AND SERVE DISMISSAL OF CINCINNATI PUBLIC SCHOOLS; CORRESPONDENCE TO M. COX WITH SETTLEMENT PAYMENT; REVIEW AND REVISE DRAFT DISCOVERY REQUESTS TO SPRINGFIELD CITY SCHOOL DISTRICT; CORRESPONDENCE WITH COUNSEL FOR CINCINNATI PUBLIC SCHOOLS.	3	\$1,380.00	\$690.00	Excludes 1.5 hrs. relating to settlement with and dismissal of Cincinnati Public Schools.
10/6/2014	MM	PROOFREAD REVISED DRAFT REQUEST FOR PRODUCTION OF DOCUMENTS TO SPRINGFIELD CITY SCHOOL DISTRICT; REVIEW SCHOOL CHOICE OHIO'S FINANCIAL CONTRIBUTIONS DOCUMENTS; DRAFT	2	\$470.00	\$470.00	

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10/7/2014	DTM	SUPPLEMENTAL RESPONSE TO DISCOVERY REQUESTS. PREPARE DISCOVERY REQUESTS TO SPRINGFIELD CITY SCHOOLS.	2.7	\$1,242.00	\$1,242.00	
10/8/2014	DTM	FURTHER PREPARATION OF DISCOVERY REQUESTS TO SPRINGFIELD; LEGAL RESEARCH REGARDING PROCEDURAL MATTERS; REVIEW OF AND EDITS TO MOTION FOR LEAVE.	1.6	\$736.00	\$736.00	
10/8/2014	MM	DRAFT NOTICE OF APPEARANCE; RESEARCH OHIO SUPREME COURT CASE LAW REGARDING PROCEDURE AND MOTIONS FOR LEAVE TO AMEND; DRAFT MOTION FOR LEAVE TO AMEND MANDAMUS COMPLAINT.	3	\$705.00	\$705.00	
10/9/2014	DTM	FOLLOW UP ON DISCOVERY MATTERS AND FURTHER PREPARATION OF DISCOVERY REQUESTS TO SPRINGFIELD.	0.5	\$230.00	\$230.00	
10/10/2014	DTM	PREPARE AMENDED COMPLAINT TO CORRECT CAPTION AND STATUTORY REFERENCES; CORRESPONDENCE TO COUNSEL FOR SPRINGFIELD TO REQUEST CONSENT TO AMEND; REVISE DISCOVERY REQUESTS AND SERVE ON SPRINGFIELD CITY SCHOOLS.	4.5	\$2,070.00	\$2,070.00	
10/10/2014	MM	REVIEW REQUESTS FOR INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR DOCUMENTS PROPOUNDED TO SPRINGFIELD; DISCUSS DISCOVERY STRATEGY WITH MR. MOVIUS; REVISE NOTICE OF APPEARANCE TO BE FILED WITH THE OHIO SUPREME COURT.	1.5	\$352.50	\$352.50	
10/13/2014	DTM	CORRESPONDENCE REGARDING CONSENT TO AMEND COMPLAINT.	0.3	\$138.00	\$138.00	
10/14/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD CITY SCHOOLS.	0.3	\$138.00	\$138.00	
10/17/2014	DTM	TELECONFERENCE WITH M. COX REGARDING SPRINGFIELD SUBPOENA ISSUES.	0.4	\$184.00	\$184.00	
10/20/2014	DTM	CORRESPONDENCE REGARDING RESPONSE TO SPRINGFIELD SUBPOENA TO EROOTS.	0.3	\$138.00	\$138.00	
10/21/2014	DTM	TELECONFERENCE REGARDING RESPONSE TO SPRINGFIELD SUBPOENA TO EROOTS; REVIEW AND	1.4	\$644.00	\$644.00	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		REVISE PUBLIC RECORDS REQUEST LETTER AND CORRESPONDENCE REGARDING SAME; PREPARE CONSENT AND AMENDED COMPLAINT FOR FILING; CORRESPONDENCE REGARDING SUBPOENA TO OLD TRAIL.				
10/21/2014	MM	PARTICIPATE IN TELECONFERENCE REGARDING DISCOVERY MATTER WITH EROOTS; PREPARE AMENDED COMPLAINT AND NOTICE OF APPEARANCE TO BE FILED WITH THE OHIO SUPREME COURT TOMORROW.	1	\$235.00	\$235.00	
10/22/2014	MM	REVIEW SUBPOENA DIRECTED TO EROOTS CONSULTING BY SPRINGFIELD CITY SCHOOL DISTRICT; DRAFT RESPONSE TO SUBPOENA DUCES TECUM ON BEHALF OF EROOTS CONSULTING.	1.6	\$376.00	\$376.00	
10/22/2014	DTM	CORRESPONDENCE REGARDING SUBPOENA RESPONSES AND REVIEW OBJECTIONS FOR EROOTS.	0.5	\$230.00	\$230.00	
10/23/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD CITY SCHOOLS.	0.3	\$138.00	\$138.00	
10/28/2014	RHB	ASSIST WITH PREPARATION OF DOCUMENT FOR PRODUCTION	2.4	\$444.00	\$444.00	
10/28/2014	DTM	CORRESPONDENCE WITH M. COX.	0.2	\$92.00	\$92.00	
10/29/2014	RHB	ASSIST WITH PREPARATION OF DOCUMENT FOR PRODUCTION	3	\$555.00	\$555.00	
10/30/2014	MM	REVIEW DOCUMENTS SUBMITTED BY EROOTS; IDENTIFY QUESTIONABLE DISCOVERABLE MATERIAL THAT MAY BE PROTECTED BY PRIVILEGE; IDENTIFY POSSIBLE DISCOVERY OBJECTIONS; DRAFT EMAIL TO MR. MOVIUS.	2.5	\$587.50	\$587.50	
11/3/2014	DTM	ATTENTION TO NOTICE REGARDING WITHDRAWAL OF COUNSEL FOR SPRINGFIELD CITY SCHOOLS.	0.2	\$92.00	\$92.00	
11/4/2014	DTM	REVIEW EROOTS DOCUMENTS AND OBJECTIONS TO SUBPOENA.	0.6	\$276.00	\$276.00	
11/5/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD CITY SCHOOLS REGARDING DISCOVERY MATTERS.	0.3	\$138.00	\$138.00	
11/6/2014	DTM	REVIEW PUBLIC RECORDS REQUEST AND CORRESPONDENCE WITH M. COX REGARDING SAME; CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD	0.8	\$368.00	\$184.00	Excludes 0.4 hrs. relating to correspondence with client relating to non-Springfield public records request.

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		REGARDING DISCOVERY MATTERS.				
11/7/2014	DTM	ANALYSIS OF SPRINGFIELD'S ANSWER TO AMENDED COMPLAINT AND RESPONSES TO REQUESTS TO ADMIT.	0.8	\$368.00	\$368.00	
11/7/2014	MM	RECEIVE SPRINGFIELD'S AMENDED ANSWER TO SCHOOL CHOICE OHIO'S AMENDED COMPLAINT; DRAFT INTERNAL E-MAIL IDENTIFYING DIFFERENCES BETWEEN AMENDED ANSWER AND ORIGINAL ANSWER; RECEIVE SPRINGFIELD'S RESPONSES TO SCO'S REQUESTS FOR ADMISSIONS; REVIEW RESPONSES AND COMPARE TO SPRINGFIELD'S ANSWERS AND PRIOR CORRESPONDENCE; DRAFT INTERNAL E-MAIL TO MR. MOVIUS REPORTING FINDINGS.	3.5	\$822.50	\$822.50	
11/10/2014	DTM	ANALYZE ANSWER TO AMENDED COMPLAINT FILED BY SPRINGFIELD AND RESPONSES TO REQUESTS TO ADMIT.	0.7	\$322.00	\$322.00	
11/18/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR CINCINNATI PUBLIC SCHOOLS REGARDING PUBLIC RECORDS REQUEST FOR 2014-2015 SCHOOL YEAR; ANALYSIS OF SPRINGFIELD'S RESPONSES TO SCO'S REQUESTS TO ADMIT AND DEFICIENCY OF SAME.	1.5	\$690.00	\$368.00	Excludes 0.7 hrs. relating to settlement with and dismissal of Cincinnati Public Schools.
11/21/2014	DTM	ATTENTION TO CORRESPONDENCE FROM COUNSEL FOR SPRINGFIELD, INCLUDING DISCOVERY MATERIALS PRODUCED IN RESPONSE TO SUBPOENAS.	0.4	\$184.00	\$184.00	
12/9/2014	MM	RECEIVE AND REVIEW JOURNAL ENTRY RELATED TO THE OHIO SUPREME COURT'S GRANT OF AN ALTERNATIVE WRIT OF MANDAMUS; DISCUSS LITIGATION STRATEGY WITH MR. MOVIUS AND MR. CAVANAGH; CONDUCT LEGAL RESEARCH REGARDING MOTIONS TO COMPEL DISCOVERY; REVIEW LITIGATION CASE FILE AND CORRESPONDENCE FROM COUNSEL FOR SPRINGFIELD; BEGIN DRAFTING MOTION TO COMPEL DISCOVERY.	6.5	\$1,527.50	\$1,527.50	
12/9/2014	DTM	ATTENTION TO JOURNAL ENTRY BY OHIO SUPREME COURT GRANTING ALTERNATIVE WRIT AND SETTING EVIDENTIARY AND BRIEFING SCHEDULE; ANALYZE SPRINGFIELD'S DISCOVERY DEFICIENCIES; DRAFT DETAILED CORRESPONDENCE TO COUNSEL FOR SPRINGFIELD DEMANDING CURE OF DISCOVERY	3.3	\$1,518.00	\$1,518.00	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		DEFICIENCIES IN VIEW OF ALTERNATIVE WRIT AND SCHEDULE ISSUED BY OHIO SUPREME COURT; STRATEGY FOR MOTION TO COMPEL SPRINGFIELD TO RESPOND FULLY TO SCHOOL CHOICE OHIO'S DISCOVERY REQUESTS.				
12/9/2014	MJC	REVIEW COURT'S ENTRY OF BRIEFING SCHEDULE AND CONFER WITH MR. MOVIUS REGARDING SAME; REVIEW MR. MOVIUS' DRAFT EMAIL TO OPPOSING COUNSEL THREATENING MOTION TO COMPEL AND PROPOSE REVISIONS TO SAME; REVIEW SPRINGFIELD'S OBJECTIONS AND RESPONSES TO SCHOOL CHOICE'S REQUESTS FOR ADMISSION AND PREPARE STRATEGY FOR MOVING TO COMPEL PROPER RESPONSES TO SAME.	2.3	\$828.00	\$828.00	
12/10/2014	DTM	REVIEW AND REVISE DRAFT MOTION TO COMPEL; LEGAL RESEARCH IN SUPPORT OF SAME; FURTHER ANALYSIS OF SPRINGFIELD'S RESPONSES TO SCO'S REQUESTS TO ADMIT.	3.8	\$1,748.00	\$1,748.00	
12/10/2014	MM	CONTINUE DRAFTING THE MOTION TO COMPEL REGARDING SPRINGFIELD CITY SCHOOL DISTRICT'S DEFICIENT RESPONSES TO SCHOOL CHOICE OHIO'S DISCOVERY REQUESTS; COMPILE EXHIBITS A-F; RESEARCH OHIO RULES OF CIVIL PROCEDURE REGARDING DISCOVERY DISPUTES.	2	\$470.00	\$470.00	
12/11/2014	MM	READ AND REVIEW LETTER RECEIVED FROM SPRINGFIELD CITY SCHOOLS; DISCUSS LITIGATION STRATEGY WITH MR. MOVIUS AND MR. CAVANAGH; RECEIVED DISCOVERY RESPONSES FROM SPRINGFIELD CITY SCHOOL DISTRICT; REVIEW DISCOVERY RESPONSES AND DOCUMENTS PROVIDED; REVIEW THIRD PARTY DOCUMENTS PROVIDED BY E-ROOTS AND OLD TRAIL.	3.5	\$822.50	\$822.50	
12/11/2014	DTM	FURTHER ATTENTION TO PREPARATION OF MOTION TO COMPEL SPRINGFIELD TO RESPOND FULLY TO SCO'S PENDING DISCOVERY REQUESTS; ATTENTION TO CORRESPONDENCE FROM COUNSEL FOR SPRINGFIELD AND ANALYSIS OF ANSWERS AND OBJECTIONS TO SCO'S INTERROGATORIES AND REQUESTS FOR PRODUCTION; ANALYSIS OF STRATEGY WITH RESPECT TO SAME,	3.4	\$1,564.00	\$1,564.00	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		INCLUDING OPTIONS FOR A REVISED MOTION TO COMPEL OR FOR RELYING ON SPRINGFIELD'S OBJECTIONS TO FORECLOSE IT FROM MAKING CERTAIN ARGUMENTS.				
12/11/2014	DTM	TELECONFERENCE WITH M. COX REGARDING STRATEGY FOR ADDRESSING DISCOVERY MATTERS WITH SPRINGFIELD AND WITH RESPECT TO CASE DEADLINES; RECEIVE AND INITIAL ANALYSIS OF TWO SETS OF RESPONSIVE DOCUMENTS PRODUCED BY SPRINGFIELD.	1.8	\$828.00	\$828.00	
12/11/2014	MJC	CORRESPONDENCE WITH COUNSEL FOR SCSD REGARDING STIPULATION ON EVIDENTIARY MATTERS AND BRIEFING SCHEDULE; PREPARE DRAFT STIPULATION; TELECONFERENCE WITH OHIO SUPREME COURT CLERK; IDENTIFICATION OF EVIDENCE FOR SUBMISSION TO OHIO SUPREME COURT; ANALYZE DOCUMENTS PRODUCED BY SCSD; ATTENTION TO MERITS BRIEF.	1.1	\$396.00	\$396.00	
12/12/2014	MJC	CONFER WITH MR. MOVIOUS REGARDING ARGUMENT THAT, BY OBTAINING PARENTAL CONSENT, SPRINGFIELD IS NO LONGER PROHIBITED BY FERPA FROM PROVIDING THE REQUESTED PUBLIC RECORDS.	0.6	\$216.00	\$216.00	
12/12/2014	DTM	CONTINUED REVIEW OF DOCUMENTS PRODUCED BY SPRINGFIELD AND SPRINGFIELD'S WRITTEN DISCOVERY RESPONSES; TELECONFERENCE WITH COUNSEL FOR SPRINGFIELD REGARDING DISCOVERY MATTERS AND TO REQUEST EXTENSION OF BRIEFING SCHEDULE; ANALYSIS OF EVIDENCE NECESSARY FOR MERITS BRIEFING AND PREPARE INITIAL OUTLINE OF MERITS BRIEF; CORRESPONDENCE WITH M. COX REGARDING AMICUS BRIEFING.	4.4	\$2,024.00	\$2,024.00	
12/16/2014	MJC	CONFER WITH MR. MOVIOUS REGARDING FILING STIPULATED STATEMENT OF FACTS.	0.2	\$72.00	\$72.00	
12/16/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SCSD REGARDING STIPULATION ON EVIDENTIARY MATTERS AND BRIEFING SCHEDULE; PREPARE DRAFT STIPULATION; TELECONFERENCE WITH OHIO SUPREME COURT CLERK; IDENTIFICATION OF EVIDENCE FOR SUBMISSION TO OHIO SUPREME COURT; ANALYZE DOCUMENTS PRODUCED BY	3.4	\$1,564.00	\$1,564.00	

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		SCSD; ATTENTION TO MERITS BRIEF.				
12/17/2014	DTM	ANALYSIS OF DOCUMENTS PRODUCED BY SCSD; CORRESPONDENCE WITH COUNSEL FOR SCSD REGARDING PROPOSED STIPULATION LANGUAGE; REVISE DRAFT STIPULATION; AND SEND SAME TO COUNSEL FOR SCSD; TELECONFERENCE WITH COUNSEL FOR SCSD; PREPARE STIPULATION FOR FILING AND ATTENTION TO FILING OF SAME; SERVICE OF SAME; CORRESPONDENCE FROM OHIO SUPREME COURT REGARDING SAME AND CORRESPONDENCE WITH COUNSEL FOR SCSD REGARDING SAME; PREPARE PROPOSED AGREED STATEMENT OF FACTS; ATTENTION TO INITIAL DRAFTING OF MERITS BRIEF.	4.3	\$1,978.00	\$1,978.00	
12/18/2014	DTM	FURTHER ANALYSIS OF DISCOVERY PRODUCTION AND PREPARATION OF INITIAL DESIGNATIONS FOR PROPOSED AGREED STATEMENT OF FACTS; CORRESPONDENCE WITH S. SOLLMAN (COUNSEL FOR SCSD) REGARDING SAME; INITIAL DRAFTING OF MERITS BRIEF.	3.7	\$1,702.00	\$1,702.00	
12/19/2014	DTM	CONTINUE INITIAL DRAFTING OF MERITS BRIEF.	5.2	\$2,392.00	\$2,392.00	
12/22/2014	MM	RECEIVE COMMUNICATION FROM COUNSEL FOR SPRINGFIELD CITY SCHOOLS; REVIEW ADDITIONAL DISCOVERY AND INFORMATION TO BE SUBMITTED AS EVIDENCE TO SUPPORT FUTURE MOTIONS FOR SUMMARY JUDGMENT.	0.6	\$141.00	\$141.00	
12/22/2014	DTM	CORRESPONDENCE WITH COUNSEL FOR SCSD REGARDING PROPOSED JOINT STATEMENT; CONTINUED PREPARATION OF INITIAL DRAFT OF MERITS BRIEF; RECEIVE AND ANALYZE SUPPLEMENTAL DOCUMENT PRODUCTION FROM SCSD.	2.4	\$1,104.00	\$1,104.00	
12/23/2014	DTM	PREPARE SUBMISSION OF EVIDENCE TO OHIO SUPREME COURT FOR FILING BY DEADLINE, INCLUDING ANALYSIS OF EVIDENCE AND ADDITIONAL MATERIALS FOR INCLUSION WITH SAME; TELECONFERENCE WITH COUNSEL FOR SCSD REGARDING EXTENSION OF DEADLINE AND CONSENT TO SAME; ATTENTION TO MERITS BRIEF.	4.8	\$2,208.00	\$2,208.00	

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1/5/2015	MM	BEGIN REVIEW OF EVIDENCE SUBMITTED BY SPRINGFIELD AT THE OHIO SUPREME COURT; COMPARE EVIDENCE WITH DISCOVERY RESPONSES.	1.5	\$352.50	\$352.50	
1/5/2015	DTM	ANALYZE EVIDENCE SUBMITTED BY SCSD; PREPARE SCO EVIDENCE FOR FILING AND FILE SAME; RESPOND TO INQUIRY FROM SUPREME COURT CLERK REGARDING EVIDENCE FILING.	1.6	\$736.00	\$736.00	
1/6/2015	DTM	ATTENTION TO DRAFTING OPENING MERITS BRIEF.	5.3	\$2,438.00	\$2,438.00	
1/6/2015	MM	REVIEW AND ANALYZE AFFIDAVIT SUBMITTED BY DR. ESTROP WITH SPRINGFIELD CITY SCHOOLS; ANALYZE EVIDENCE AND COMPARE WITH DISCLOSURES MADE IN THE DISCOVERY PROCESS.	1	\$235.00	\$235.00	
1/7/2015	DTM	CONTINUED DRAFTING OF MERITS BRIEF.	1.8	\$828.00	\$828.00	
1/8/2015	DTM	CONTINUED DRAFTING OF OPENING MERITS BRIEF.	2.3	\$1,058.00	\$1,058.00	
1/9/2015	DTM	CONTINUED PREPARATION OF MERITS BRIEF.	5.4	\$2,484.00	\$2,484.00	
1/9/2015	MJC	REVIEW CURRENT DRAFT OF OHIO SUPREME COURT BRIEF AND CONFER WITH MESSRS. MOVIUS AND MASTERSON REGARDING SAME.	1.3	\$468.00	\$468.00	
1/9/2015	MM	DISCUSS LAW AND FACTS REGARDING RELATOR'S BRIEF WITH MR. MOVIUS AND MR. CAVANAGH; BEGIN CONDUCTING LEGAL RESEARCH RELATED TO SUCCESSFUL ARGUMENTS FOR GRANTING STATUTORY AND ATTORNEY'S FEES IN PUBLIC RECORD REQUEST CASES IN FRONT OF THE OHIO SUPREME COURT.	3	\$705.00	\$705.00	
1/10/2015	DTM	CONTINUED PREPARATION OF OPENING MERITS BRIEF.	1.2	\$552.00	\$552.00	
1/12/2015	DTM	CONTINUED PREPARATION OF OPENING MERITS BRIEF.	6.8	\$3,128.00	\$3,128.00	
1/12/2015	MM	CONTINUE CONDUCTING LEGAL RESEARCH REGARDING GRANTING ATTORNEY FEES FOR PUBLIC RECORDS REQUEST CASES; DRAFT ARGUMENTS FOR MERIT BRIEF ARGUING FOR ATTORNEY FEES; SUBMIT FOR REVIEW AND TO COMBINE WITH MAIN PORTION OF MERIT BRIEF.	7	\$1,645.00	\$1,645.00	
1/12/2015	MJC	REVIEW SUPREME COURT RULES BRIEFING REQUIREMENTS AND CONFER WITH MR. MOVIUS REGARDING SAME.	0.1	\$36.00	\$36.00	

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1/13/2015	MM	CONDUCT FURTHER LEGAL RESEARCH; AMEND ARGUMENTS IN SUPPORT OF GRANTING ATTORNEY FEES WITHIN RELATOR'S MAIN BRIEF.	1	\$235.00	\$235.00	
1/13/2015	MJC	CONFER WITH MR. MOVIUS REGARDING BRIEF.	0.1	\$36.00	\$36.00	
1/13/2015	DTM	CONTINUED PREPARATION OF MERITS BRIEF.	9.8	\$4,508.00	\$4,508.00	
1/14/2015	DTM	CONTINUED PREPARATION OF OPENING MERITS BRIEF, INCLUDING APPENDIX, ATTORNEYS' FEES AND STATUTORY DAMAGES ISSUES; SEND DRAFT BRIEF TO M. COX FOR REVIEW AND COMMENT.	7.6	\$3,496.00	\$3,496.00	
1/14/2015	MJC	REVIEW AND DRAFT REVISIONS TO DRAFT OF MERITS BRIEF; PERFORM LEGAL RESEARCH TO FIND CASES WHERE PUBLIC OFFICE WAS TRULY "PROHIBITED BY LAW" FROM PRODUCING PUBLIC RECORDS TO CONTRAST WITH PRESENT CASE; REVISE SECTION OF MERITS BRIEF SEEKING ATTORNEYS' FEES AND PERFORM LEGAL RESEARCH REGARDING SAME; REVISE SECTION OF MERITS BRIEF SEEKING STATUTORY DAMAGES AND PERFORM LEGAL RESEARCH REGARDING SAME.	7.7	\$2,772.00	\$2,772.00	
1/14/2015	MM	CONTINUE CONDUCTING LEGAL RESEARCH RELATED TO LAW FOR GRANTING COURT COSTS AND STATUTORY DAMAGES; AMEND ARGUMENTS TO INCLUDE REQUEST FOR COURT COSTS AND STATUTORY DAMAGES.	2	\$470.00	\$470.00	
1/15/2015	MJC	REVIEW MERITS BRIEF AND PROPOSE FINAL REVISIONS TO SAME; WORK WITH MR. MOVIUS TO FINALIZE MERITS BRIEF.	1.9	\$684.00	\$684.00	
1/15/2015	DTM	FINAL PREPARATION OF OPENING MERITS BRIEF, INCLUDING INCORPORATION OF REVISIONS AND COMMENTS RECEIVED FROM M. COX; PREPARATION OF SAME FOR FILING WITH OHIO SUPREME COURT; FILE AND SERVE SAME.	8.1	\$3,726.00	\$3,726.00	
1/16/2015	DTM	CONFIRMATION OF ACCEPTANCE OF ELECTRONIC FILING FROM OHIO SUPREME COURT; ANALYZE CASE STATUS AND STRATEGY FOLLOWING SUBMISSION OF MERITS BRIEF.	1.1	\$506.00	\$506.00	
1/30/2015	DTM	RECEIVE OPPOSITION BRIEF FILED BY SPRINGFIELD CITY SCHOOL DISTRICT AND ANALYSIS OF SAME;	4.4	\$2,024.00	\$2,024.00	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		CORRESPONDENCE TO M. COX REGARDING SAME; CONFER WITH M. MASTERSON REGARDING RESEARCH ON ISSUES RAISED BY SPRINGFIELD; LEGAL RESEARCH AND INITIAL DRAFTING OF RESPONSE TO ARGUMENTS ON SCHOOL DISTRICT'S CAPACITY TO BE SUED; CORRESPONDENCE FROM COUNSEL FOR SPRINGFIELD CITY SCHOOL DISTRICT.				
1/30/2015	MM	REVIEW REPLY BRIEF FROM SPRINGFIELD; BEGIN RESEARCHING LAW RELATED TO AFFIDAVIT PRACTICE FOR FILING AN AMENDED COMPLAINT IN THE OHIO SUPREME COURT AND THE LEGAL ISSUES SURROUNDING A SCHOOL DISTRICT'S CAPACITY TO BE SUED.	2	\$470.00	\$470.00	
1/31/2015	DTM	ANALYSIS OF SPRINGFIELD CITY SCHOOL DISTRICT'S OPPOSITION BRIEF.	1.5	\$690.00	\$690.00	
2/2/2015	DTM	ANALYSIS OF SPRINGFIELD CITY SCHOOL DISTRICT'S OPPOSITION BRIEF AND OUTLINE OF REPLY TO SAME; INITIAL DRAFTING OF OPPOSITION TO SAME.	9.3	\$4,278.00	\$4,278.00	
2/2/2015	MM	CONTINUE RESEARCHING LEGAL ISSUES RELATED TO THE BRIEF SUBMITTED BY SPRINGFIELD; PARTICULARLY, RESEARCH THE LAW RELATED TO SPRINGFIELD'S CAPACITY TO BE SUED AS A SCHOOL DISTRICT; REPORT FINDINGS TO MR. MOVIUS.	2.5	\$587.50	\$587.50	
2/3/2015	MM	REVIEW SPRINGFIELD'S REPLY BRIEF; DISCUSS STRATEGY AND LEGAL THEORY OF THE CASE WITH MR. MOVIUS AND MR. CAVANAGH.	1	\$235.00	\$235.00	
2/3/2015	MJC	CONTINUE TO REVIEW AND ANALYZE VARIOUS ARGUMENTS IN SPRINGFIELD'S MERITS BRIEF; DISCUSS VARIOUS ARGUMENTS FOR REPLY BRIEF WITH MR. MOVIUS.	3.1	\$1,116.00	\$1,116.00	
2/3/2015	DTM	LEGAL RESEARCH REGARDING POINTS OF LAW ASSERTED BY SPRINGFIELD IN ITS OPPOSITION BRIEF; ATTENTION TO DRAFTING REPLY BRIEF.	9.8	\$4,508.00	\$4,508.00	
2/4/2015	DTM	CONTINUED DRAFTING OF REPLY TO SPRINGFIELD'S OPPOSITION BRIEF; RECEIVE AND ANALYZE NEWLY-FILED AMICUS BRIEF; DRAFT NOTICE OF INTENT TO FILE REPLY BRIEF.	6.3	\$2,898.00	\$2,898.00	

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2/5/2015	DTM	CONTINUED DRAFTING OF REPLY BRIEF; ATTENTION TO NOTICE OF INTENT TO FILE REPLY BRIEF; ANALYZE AMICI BRIEF AND SEND SAME TO M. COX.	3.6	\$1,656.00	\$1,656.00	
2/6/2015	MM	DRAFT MOTION FOR LEAVE TO AMEND THE AMENDED COMPLAINT FOR WRIT OF PEREMPTORY MANDAMUS; DRAFT SECOND AMENDED COMPLAINT; SUBMIT TO MR. MOVIUS FOR REVIEW.	2	\$470.00	\$470.00	
2/6/2015	DTM	CONTINUED DRAFTING REPLY BRIEF.	4.8	\$2,208.00	\$2,208.00	
2/8/2015	DTM	REVIEW AND REVISE DRAFT REPLY BRIEF.	1.4	\$644.00	\$644.00	
2/9/2015	DTM	CONTINUED DRAFTING OF REPLY BRIEF AND REVISIONS TO SAME; INCORPORATE RESPONSE TO AMICUS ARGUMENTS.	9.2	\$4,232.00	\$4,232.00	
2/10/2015	DTM	CONTINUED DRAFTING AND REVISIONS TO REPLY BRIEF; SEND SAME TO M. COX FOR REVIEW AND COMMENT IN ANTICIPATION OF FILING.	11.3	\$5,198.00	\$5,198.00	
2/10/2015	MJC	CONFER WITH MR. MOVIUS REGARDING VARIOUS ARGUMENTS IN REPLY BRIEF; DRAFT AND REVISE SECTION OF REPLY BRIEF ADDRESSING SPRINGFIELD'S PROPOSAL THAT IT PROVIDE SCHOOL CHOICE OHIO'S MATERIALS TO ITS STUDENTS AND FAMILIES; PERFORM LEGAL RESEARCH TO FIND CASE LAW SUPPORTING ARGUMENT THAT SPRINGFIELD'S PROPOSAL WOULD CONSTITUTE AN UNCONSTITUTIONAL PRIOR RESTRAINT OF SPEECH.	2	\$720.00	\$720.00	
2/11/2015	MJC	READ CURRENT DRAFT OF REPLY BRIEF AND DRAFT PROPOSED EDITS AND COMMENTS TO SAME.	1.8	\$648.00	\$648.00	
2/11/2015	DTM	FINAL PREPARATION OF REPLY BRIEF; PREPARE SAME FOR FILING WITH OHIO SUPREME COURT; CONFIRM FILING AND SERVICE OF SAME; CORRESPONDENCE WITH M. COX REGARDING SAME.	6.8	\$3,128.00	\$3,128.00	
2/12/2015	DTM	DRAFT CONDITIONAL MOTION TO AMEND COMPLAINT BY INTERLINEATION TO CORRECT PARTY NAME, IF NECESSARY.	2.2	\$1,012.00	\$1,012.00	
2/13/2015	DTM	FINAL PREPARATION OF CONDITIONAL MOTION TO AMEND; PREPARE REDLINE OF AMENDED COMPLAINT TO	2.3	\$1,058.00	\$1,058.00	

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		IDENTIFY PROPOSED INTERLINEATIONS; PREPARE SAME FOR FILING; CONFIRM FILING AND SERVICE OF SAME.				
2/13/2015	MJC	CONFER WITH MR. MOVIUS REGARDING CASE STRATEGY AND POSSIBILITY OF ORAL ARGUMENT.	0.3	\$108.00	\$108.00	
2/19/2015	DTM	RECEIVE AND ANALYZE MOTION FOR ORAL ARGUMENT FILED BY SPRINGFIELD; CORRESPONDENCE WITH M. COX REGARDING SAME; DRAFT AND REVISE MEMORANDUM IN OPPOSITION TO SAME.	6.7	\$3,082.00	\$3,082.00	
2/19/2015	MJC	REVIEW SPRINGFIELD'S MOTION REQUESTING ORAL ARGUMENT AND CONFER WITH MR. MOVIUS REGARDING STRATEGY FOR RESPONDING TO SAME.	0.3	\$108.00	\$108.00	
2/20/2015	DTM	CORRESPONDENCE WITH M. COX; REVIEW AND REVISE OPPOSITION TO ORAL ARGUMENT REQUESTED BY SPRINGFIELD CITY SCHOOL DISTRICT.	1.8	\$828.00	\$828.00	
2/23/2015	DTM	REVISE AND PREPARE OPPOSITION TO MOTION FOR ORAL ARGUMENT FOR FILING; FILE AND SERVE SAME ON OPPOSING COUNSEL; CORRESPONDENCE WITH COUNSEL FOR SPRINGFIELD CITY SCHOOLS REGARDING CONDITIONAL MOTION FOR LEAVE TO AMEND.	1.7	\$782.00	\$782.00	
10/28/2015	DTM	RECEIVE AND ANALYZE ORDER GRANTING MOTION FOR ORAL ARGUMENT.	0.5	\$242.50	\$242.50	
10/29/2015	DTM	CALL AND CORRESPONDENCE WITH M. COX.	0.3	\$145.50	\$145.50	
11/30/2015	DTM	ATTENTION TO ORDER SCHEDULING ORAL ARGUMENT.	0.3	\$145.50	\$145.50	
12/2/2015	DTM	ATTENTION TO NOTICE OF ORAL ARGUMENT SETTING PARTICULARS FOR ARGUMENT AND CORRESPONDENCE WITH M. COX REGARDING SAME.	0.6	\$291.00	\$291.00	
12/4/2015	DTM	ANALYSIS OF BRIEFING TO IDENTIFY KEY ISSUES FOR ORAL ARGUMENT.	4.9	\$2,376.50	\$2,376.50	
12/10/2015	DTM	ATTENTION TO PREPARATION FOR ORAL ARGUMENT.	2.5	\$1,212.50	\$1,212.50	
1/7/2016	DTM	PREPARE FOR ORAL ARGUMENT.	1.1	\$533.50	\$533.50	
1/19/2016	DTM	PREPARE FOR ORAL ARGUMENT; CORRESPOND WITH M. COX.	5.2	\$2,522.00	\$2,522.00	
1/20/2016	DTM	PREPARE FOR ORAL ARGUMENT.	5.8	\$2,813.00	\$2,813.00	
1/22/2016	DTM	TELECONFERENCE WITH M. COX AND K. LEMASTER;	4.9	\$2,376.50	\$2,376.50	

<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Time</u>	<u>Gross Fee</u>	<u>Amount of Application</u>	<u>Notes</u>
		CONTINUE PREPARATION FOR ORAL ARGUMENT.				
1/24/2016	DTM	PREPARE FOR ORAL ARGUMENT.	1	\$485.00	\$485.00	
1/25/2016	DTM	CONTINUE PREPARATION FOR ORAL ARGUMENT, INCLUDING TRAVEL TO COLUMBUS; CORRESPOND WITH K. LEMASTER.	8.9	\$4,316.50	\$4,316.50	
1/26/2016	DTM	ORAL ARGUMENT BEFORE OHIO SUPREME COURT; RETURN TRAVEL FROM COLUMBUS; TELECONFERENCE WITH M. COX; TELECONFERENCE WITH REPORTER FOR SPRINGFIELD NEWSPAPER.	8	\$3,880.00	\$3,637.50	Exclude 0.5 hrs. as non-litigation.
7/21/2016	DTM	ATTENTION TO DECISION BY OHIO SUPREME COURT GRANTING WRIT OF MANDAMUS; CORRESPOND AND TELECONFERENCE WITH CLIENT REGARDING SAME REGARDING DRAFT STATEMENT AND INQUIRIES.	1.7	\$824.50	\$824.50	
7/25/2016	DTM	ATTENTION TO OHIO SUPREME COURT RULING AND FEE AWARD.	1	\$485.00	\$485.00	
7/25/2016	DTM	TELECONFERENCE WITH M. COX REGARDING DECISION.	0.3	\$145.50	\$145.50	

Exhibit B: Costs

Date	Amount	Description
5/9/2014	\$100.00	Filing Fee
5/13/2014	\$11.32	Proof of mailing for Springfield City School District; postage \$11.32
12/3/2014	\$6.49	Proof of mailing for Springfield City School District; postage \$6.49
7/21/2016	\$6.49	Proof of mailing for Springfield City School District; postage \$6.46
Total:	\$124.30	