

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMON CAUSE NEW YORK, as an
organization and on behalf of its members,

Plaintiff,

v.

ROBERT A. BREHM, Co-Executive Director,
TODD D. VALENTINE, Co-Executive Director,
PETER S. KOSINSKI, Co-Chair, DOUGLAS A.
KELLNER, Co-Chair, ANDREW J. SPANO,
Commissioner, and GREGORY P. PETERSON,
Commissioner, in their official capacities as
Commissioners of the NEW YORK STATE
BOARD OF ELECTIONS,

Defendants.

Case No. 1:17-cv-06770-AJN

AFFIDAVIT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct:

- 1) I am an attorney admitted to the New York bar and am in good standing. I have been employed as Senior Counsel at LATINOJUSTICE PRLDEF from August 2000 up to the present. LATINOJUSTICE PRLDEF (formerly Puerto Rican Legal Defense & Education Fund) is a national private non-partisan and not-for-profit legal defense fund engaged in civil and constitutional rights work to protect the equal protection of Latinos under law. It was established in 1973.
- 2) LATINOJUSTICE PRLDEF, as co-counsel to Plaintiff Common Cause/New York, the prevailing party submits this application for (i) attorneys' fees for professional services performed by its lawyers JACKSON CHIN and JOANNA CUEVAS INGRAM for the period of August 2017 through January 30, 2020.
- 3) In my capacity as Senior Counsel, I was a member of Plaintiffs' legal counsel in the above-captioned proceeding. As such, I am fully familiar with the facts and circumstances of this case.
- 4) From January 2018 to date, I served as the LatinoJustice PRLDEF attorney assigned to this case. Mr. Neil Steiner of Dechert LLP, has been the lead counsel on this case.
- 5) Throughout this time, we have kept contemporaneous time records of the hours expended on this matter. I believe the hours and rates being submitted are reasonable and necessary for the legal representation of Common Cause / New York.
- 6) The details and time entries were contemporaneously recorded through my office's CLICKTIME software system and documents time spent in providing legal research, review of discovery and relevant discussions, reviewing drafts of legal documents,

expert's report, briefs, transcripts, advising clients on case developments, and, conferring with lead counsel. See LATINOJUSTICE's staff timesheets, Exhibit 1.

- 7) The attorney time being billed is non-duplicative nor excessive. There are no overlapping periods of time involved.
- 8) In exercising reasonable billing judgment, LatinoJustice waives the attorney time and hours expended by our Deputy General Counsel Jose Luis Perez, who had also been involved as an attorney of record and participated along with our co-counsel from the inception of this litigation.
- 9) LatinoJustice will take a ten-percent across the board reduction for our attorneys' fee request. The final number of hours and proposed attorney rates that LatinoJustice is requesting are summarized in the Chart, below.
- 10) As Senior Counsel at LatinoJustice entering my 20th year of tenure here, I am the most senior lawyer on staff. Perhaps, a court would regard me as a Partner level attorney in the private law sector. I received my law degree from The University of California at San Francisco's Hastings College of The Law in 1984. I have been engaged in civil practice continuously since my admission to the New York Bar in 1987. My public interest law and civil rights practice included prior law positions as a Supervising attorney at a non-profit legal program providing immigration removal defense and asylum defense for hundreds of indigent and working poor New York residents of diverse ethnicities, faiths and nationalities. Over many years, I have also developed substantial practical skills in legal representation in serving the City's diverse immigrants and their families.
- 11) In my civil rights litigation work, I have handled complex court matters concerning Congressional, state and local redistricting matters over two decades, advanced claims

arising from Section 2, Section 5, and Section 203 of the Voting Rights Act, and, provided litigation and election protection advocacy in several election cycles of federal and local elections. I have also dealt with constitutional and statutory litigation in other areas of federal civil rights and labor laws affecting labor, employment and housing rights.

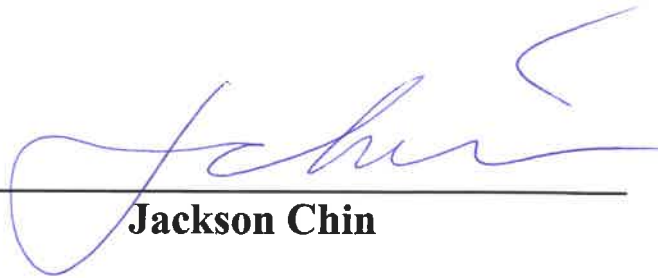
- 12) I have obtained court-approved attorneys' fees in federal class action or collective claims litigation in Valencia et. al. v. Ideal Snacks Inc. (S.D.N.Y. 2019), Kim et. al. v. Yoo (S.D.N.Y. 2018), Centro de la Comunidad Hispana de Locust Valley v. Town of Oyster Bay, (E.D.N.Y.), (868 F.3d 104 (2nd Cir. 2018); Gonzalez v. Pritzker, Secretary of U.S. Department of Commerce, 2016 WL 5395905 (S.D.N.Y. 2016), Favors v. Cuomo, 39 F.Supp.3d 276 (E.D.N.Y. 2014), Lozano, et. al. v. City of Hazleton (M Dt. PA., 2015), and, Plaintiffs Doe v. Village of Mamaroneck (S.D.N.Y. 2007).
- 13) My bar memberships, professional and educational experience, significant litigation and other legal activities over a period of thirty-two years are described in my curriculum vitae. See, Exhibit 2.
- 14) Former Associate Counsel Joanna Cuevas Ingram received her Juris Doctorate from the University of California at Davis in 2013. She was admitted to the California bar in 2013 and to the New York bar in 2015. She was an Equal Justice Voting Rights Law Fellow for two years at the Lawyers' Committee for Civil Rights Under Law. She has authored various scholarly articles about voting rights, immigration law and policies, and other racial justice issues. She worked on several voting rights cases filed in the federal court and has worked on other civil rights cases in her professional employment. Her resume is found in Exhibit 3.

<u>Attorney Name</u>	<u>Hours</u>	<u>Hourly Rate Requested</u>	<u>Total</u>
Jackson CHIN	72	\$ 650	\$46,800
Joanna CUEVAS INGRAM	20.0	\$ 450	\$ 9,000
Sub-total =			\$55,800
TOTAL	<i>(Ten percent reduction)</i>		\$ 50,220

15) I respectfully submit that the plaintiffs are entitled to attorneys' fees and costs as prevailing parties in this action. LatinoJustice requests a total of \$50,220 in attorneys' fees for its work as co-counsel to the prevailing party in this action.

16) LatinoJustice seeks no reimbursement of costs in this matter.

Executed on January 31, 2020.



Jackson Chin