

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES PURSUANT TO 42 U.S.C. § 1988(B)

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Plaintiffs file this Motion for Attorneys' Fees in accordance with the permanent injunction ordered by the Court on December 11, 2024. Dkt. 58. Plaintiffs request a total of \$366,044.60 in attorneys' fees and \$10,550.14 in costs under 42 U.S.C. § 1988(b).

INTRODUCTION

Defendants have agreed to be permanently enjoined from further violating Plaintiffs' First Amendment rights, and to pay nominal damages. Dkt. 58. As part of that permanent injunction, the parties agreed that the final amount of attorneys' fees would be determined by the Court. *Id.* ¶5. This motion for attorneys' fees follows.

Plaintiffs' counsel have worked tirelessly and quickly to litigate this suit in just four months. While offering to settle the case before and after the complaint was filed, as well as throughout the discovery period, Plaintiffs' counsel simultaneously ensured that this case was as streamlined and as efficient a use of judicial resources as possible.

Thus, Plaintiffs now move for an award of attorney fees and costs.

RELEVANT FACTUAL BACKGROUND

On September 23, 2024, KFOR filed suit against Oklahoma State Superintendent of Public Instruction Ryan Walters and Oklahoma State Department of Education Press Secretary Dan Isett. Dkt. 1. The complaint details that Walters and Isett were violating Plaintiffs' First Amendment rights by repeatedly denying KFOR's reporters' access to Oklahoma State Board of Education (OSBE) meetings and subsequent press conferences held by Walters—all because of KFOR's editorial stance. *See id.* at 2–14.

Specifically, for meetings and press conferences held on March 28, June 27, July 31, and August 22, 2024—events open to news media—KFOR's reporters were (1) relegated

to an “overflow” room to watch the meetings via video feed, and (2) fully denied access to follow-up press conferences held by Walters. *See id.* KFOR sought declaratory and injunctive relief to ensure its ability to attend future OSBE meetings and press conferences. *See id.* at 15–18. Walters and Isett barred KFOR from these events on grounds that it is “fake news” and not a “legitimate” news organization, despite its credentials. *Id.* at 13.

On September 25, 2024, this Court granted Plaintiffs’ temporary injunction motion, preserving their First Amendment rights as this case proceeded. Dkt. 14. Following a shortened discovery period, the parties were set to go to trial on December 11, 2024. Dkt. 21. Instead, on that same day, the parties entered into an agreement that the Court would issue a permanent injunction order against Defendants. Dkt. 58.

That final order required Defendants to (1) “Grant access for KFOR to all OSDE board meetings, press conferences, gaggles, or any other meetings held in which other news media are given nonexclusive access;” (2) “Grant KFOR's access to the RSVP notices OSDE sends to journalists prior to each meeting;” (3) “Grant KFOR (4@kfor.com) to email distribution list for all OSDE press releases and/or notifications related to OSDE activities following a meeting between the KFOR News Director and the OSDE Director of Communications at KFOR Studios;” (4) Grant KFOR’s access to all OSDE “statements” issued to members of the general press in response to daily press inquiries;” and (5) “Re-establish the media line for journalists wishing to attend OSDE board meetings, subject to security concerns that may arise.” Dkt. 58 at ¶¶3a – 3e.

The Order also required Defendants to pay \$17.91 in nominal damages to Plaintiffs no

later than 30 days after issuance of the order. Because the parties could not agree to an attorneys' fees amount, the Order also requires the issue to be submitted to the Court for determination.

ARGUMENT

A plaintiff that succeeds in remedying a civil rights violation, serves “as a ‘private attorney general,’ vindicating a policy that Congress considered of the highest priority.” *Fox v. Vice*, 563 U.S. 826, 833 (2011) (quoting *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400, 402 (1968) (per curiam)). That success entitles Plaintiffs to attorneys' fees under 42 U.S. Code § 1988(b). Success is measured not only by the relief obtained but also in terms of the significance of the legal issue on which the plaintiff prevailed and the public purpose the litigation served. *Farrar v. Hobby*, 506 U.S. 103, 122 (1992). An award of fees should also reflect that an order serves the public purpose of “vindicat[ing] important rights and deter[ing] future lawless conduct.” *Phelps v. Hamilton*, 120 F.3d 1126, 1132 (10th Cir. 1997).

A fee request under 42 U.S.C. § 1988(b) entitles plaintiffs to attorneys' fees if they establish two elements: (1) that they were the “prevailing party” in the litigation; and (2) that their request is “reasonable.” See *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Phelps*, 120 F.3d at 1129; *Ellis v. University of Kansas Medical Center*, 163 F.3d 1186, 1193 (10th Cir. 1998). The Tenth Circuit has held that “the district court’s discretion to deny fees to a prevailing plaintiff is quite narrow,” and “[a] strong showing of special circumstances is necessary to support [such] a denial.” *Wilson v. Stocker*, 819 F.2d 943, 951 (10th Cir. 1987).

Plaintiffs may be considered “prevailing parties” for attorneys’ fees purposes if they succeed on any significant issue in litigation which achieves some of the benefit the parties sought in bringing suit. *Hensley*, 461 U.S. at 433 (internal citations and quotations omitted); *see also Farrar*, 506 U.S. at 111–12 (“a plaintiff ‘prevails’ when actual relief on the merits of his claim materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiff.”). This case involved a “fundamental” right: the First Amendment right of the press to news gather. *See, e.g., Branzburg v. Hayes*, 408 U.S. 665 (1972). And Plaintiffs obtained a stipulated court-ordered permanent injunction against Defendants that obtained all the relief requested in their suit, and additional relief beyond what was sought. Plaintiffs also obtained nominal damages, reenforcing their status as prevailing parties. *See Farrar*, 506 U.S. at 112 (holding that “a plaintiff who wins nominal damages is a prevailing party under [the attorney’s fee statute] § 1988.”). There is no question about Plaintiffs’ prevailing party status. Thus, the lone consideration for this Court is whether Plaintiffs have established that their fee request is “reasonable.”

The reasonableness of the attorney’s fees must be determined “in light of both the traditional billing practices in the profession, and the fundamental principle that the award of a ‘reasonable’ attorney’s fee under § 1988 means a fee that would have been deemed reasonable if billed to affluent plaintiffs by their own attorneys.” *City of Riverside v. Rivera*, 477 U.S. 561, 591 (1986).

I. THE LODESTAR FRAMEWORK

The touchstone of determining a reasonable fee award is the “lodestar” analysis.

Zinna v. Congrove, 680 F.3d 1236, 1242 (10th Cir. 2012). The “lodestar” calculation is based on “the total number of hours reasonably expended multiplied by a reasonable hourly rate-and then adjust the lodestar upward or downward to account for the particularities of the suit and its outcome.” *Id.* (internal citations and quotations omitted). The lodestar figure “is the presumptively reasonable fee.” *Metz v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 39 F.3d 1482, 1493 (10th Cir. 1994).

In assessing “the total number of hours reasonably expended,” the Court may consider (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Hensley*, 461 U.S. at 455; Fed. R. Civ. P. 54. Although the court must address these factors, not every factor will apply in the circumstances of a particular case. *See Uselton v. Commercial Lovelace Motor Freight, Inc.*, 9 F.3d 849, 854 (10th Cir. 1993).

In this case, the lodestar factors, as well as additional factors that justify a multiplier, support an attorneys’ fees award of \$366,044.60.

A. The reasonable hourly rates should be calculated at the rate of Washington, D.C. attorneys.

Reasonable hourly rates under Section 1988(b) are based on the “prevailing market

rates in the relevant community, regardless of whether plaintiff is represented by private or nonprofit counsel.” *Blum v. Stenson*, 465 U.S. 886, 895 (1984). Thus, a district court must first decide what the “relevant community” is geographically, and then what the “prevailing market rates” are for that community.

Although, typically, the relevant community will be the local area in which the suit is brought, that rule is not absolute. Where the litigation is “unusual or requires such special skills” that only an out-of-state lawyer possesses, the relevant community is the local area in which counsel is from. *Jane L. v. Bangerter*, 61 F.3d 1505, 1510 (10th Cir. 1995). Plaintiffs submit this is a case, and involves attorneys, deserving of this exception to the “general rule.” They further submit that KFOR-TV and its journalists within this Court’s jurisdiction are also deserving of applying the exception.

This case involved a high stakes, urgent, and delicate First Amendment issue against a statewide elected official who has developed a reputation of being aggressive and litigious. The defendants in this case had been openly hostile to plaintiffs and had attempted to delegitimize them. The reputational harm, and potential additional loss of access, that could have befallen plaintiffs had they not prevailed was tremendous. Thus, there was little room for error, and plaintiffs needed counsel who could act adeptly to obtain emergency relief and ultimately prevail.

Plaintiffs reached out to Mr. Miller precisely because of his, and IFS’, specialization in the novel issues presented by this press access First Amendment violation case. Miller Affd. ¶64. As Mr. Nelson attests, the options for a comparable level of expertise and skill in Oklahoma are limited. Nelson Affd. ¶¶5-6, 15(c). Hall Estill handles First Amendment

media cases primarily concerning defamation, privacy torts, and anti-SLAPP proceedings. *Id.* ¶5. Despite its wide-ranging media law practice, Hall Estill’s experience involving civil rights claims of the government’s denial of press access from limited public forums for arbitrary and viewpoint-based reasons is limited. *Id.*

While there are certainly other highly skilled attorneys in Oklahoma City who may litigate civil rights cases and other First Amendment cases, there are few, if any who have the level of experience and specialized knowledge regarding litigating press freedom and access cases the undersigned attorneys at the Institute for Free Speech have in the particularized legal issues presented by this First Amendment case. Indeed, in the minimal amount of press access jurisprudence relevant to this case that exists, there are *none* that counsel was able to find that were litigated in any Oklahoma Federal Court. Corbello Affd. ¶26. This, alone, should indicate that there are no local attorneys with similar experience in this area of law.

As the Declarations of Chip Miller and Courtney Corbello addresses, the attorneys at the Institute for Free Speech are training in, litigating and conducting research into these exact issues every day. Corbello Affd. ¶37. Both Ms. Corbello and Mr. Miller successfully litigated one other press access case earlier the same year as the complaint was filed in this case, have filed another suit as of January 22, 2025 in Utah, and have litigated numerous related First Amendment cases, and other civil rights cases, prior to 2024. Corbello Affd. ¶62; Miller Affd. ¶12.

In the end, the answer to the question - “are there local counsel available, willing, and able, with the degree of experience, expertise, or specialization required to handle cases

such as this case?” - is simply “no.” This is an area of law where a national practice is needed. There are also the practical considerations that counsel without ongoing local ties are best suited to bring full-throated litigation against a statewide elected official who is on the rise. Based on these considerations and IFS’ being based in the District of Columbia, the standard Washington D.C. rates of \$655 for Ms. Corbello and \$812 for Mr. Miller should be applied. *See* Corbello Affd. ¶72 (and attached exhibits); *see also* Miller Affd. ¶72.

This Court’s granting the requested hourly fees sought by Ms. Corbello and Mr. Miller not only recognizes the situation in this case but could do what 42 U.S.C. § 1988(b) was put in place to encourage, *i.e.*, to attract competent attorneys—from outside of the Western District of Oklahoma, when needed—to help the disenfranchised, the marginalized, and the powerless, when government actors with malevolence put these people in their cross-hairs.

B. In the alternative to awarding D.C. rates, the quality of counsels’ work and unnecessarily protracted nature of this litigation justifies a lodestar multiplier of any Oklahoma City-based rate.

Even if this Court were to award attorneys’ fees based on the market rate in Oklahoma City, counsels’ rates are still reasonably set at \$655 for Ms. Corbello and \$812 for Mr. Miller – and Mr. Nelson’s rate of \$575/hour – given the reasonable rates in Oklahoma City combined with the propriety of an enhancement in this suit.

Before applying a multiplier, this Court must arrive at a reasonable rate for counsel based on prevailing market rates in Oklahoma City. In 2022, this Court held that attorney hourly rates of between \$250 and \$475 are “in line with the prevailing market rates for

lawyers of comparable skill and experience practicing in the Oklahoma City area (i.e., Western District of Oklahoma)” in a civil rights action, generally. *Inst. for Just. v. Laster*, No. CIV-19-858-D, 2022 U.S. Dist. LEXIS 231068, at *14 (W.D. Okla. Dec. 23, 2022); *see also Catholic Benefits Ass’n LCA v. Azar*, No. CIV-14-240-R, 2018 WL 3876615, at *12 (W.D. Okla. Aug. 15, 2018) (stating rates of between \$250 and \$470 are “customary Oklahoma City rates” in a civil rights action). Inflation has only risen since. According to the online Enterprise Legal Marketplace, Legal.io, and their review of hourly rates submitted by local attorneys in Oklahoma City, the current hourly rate for litigation attorneys in Oklahoma City averages between \$233 to \$591, with some attorneys charging \$800/hour. *Law Firm Hourly rates*, Legal.io, <https://perma.cc/X5ZK-5AQU>. As attested to by Mr. Nelon – a 54-year attorney in Oklahoma – the hourly rates for an attorney with his experience, who practice in this specialized area of media-related litigation and First Amendment press access, are slightly higher above that range at \$575/hour. Nelon Affd. ¶15. This is the rate he charges to Nexstar for his work in this and other matters.

Based on the aforementioned, the reasonable hourly rate for counsel – based on Oklahoma City as the relevant community and applying the lodestar factors (*see, infra*) – is \$436/hour for Ms. Corbello, \$541/hour for Mr. Miller and \$575 for Mr. Nelon. Corbello Affd. ¶¶74-75; Miller Affd. ¶73; Nelon Affd. ¶¶13–15. However, before awarding fees based on these rates, this Court should also consider application of a multiplier of 1.5. Although “[t]here is a strong presumption that the lodestar figure is reasonable,” that presumption is overcome where counsel shows that “the lodestar does

not adequately take into account a factor that may properly be considered in determining a reasonable fee.” *Perdue v. Kenny A.*, 559 U.S. 542, 554 (2010) (internal alterations and quotation marks omitted).

The Supreme Court has identified two factors that can be considered in addition to the lodestar factors to justify a multiplier. First, a multiplier is appropriate “where the method used in determining the hourly rate employed in the lodestar calculation does not adequately measure the attorney’s true market value, as demonstrated in part during the litigation.” *Id.* at 554-55. In other words, the “quality of the lawyer’s performance in the case should also be considered in placing a value on his or her services.” *Ramos v. Lamm*, 713 F.2d 546, 555 (10th Cir. 1983). Second, a multiplier “may be appropriate if the attorney’s performance includes an extraordinary outlay of expenses and the litigation is exceptionally protracted.” *Perdue*, 559 U.S. at 555.

These factors are applicable in this case and justify a multiplier of 1.5. The Court has had several opportunities to gauge the quality of work performed by Plaintiffs’ counsel. This work consisted of concise, well-reasoned briefing that took up no more judicial resources and time than absolutely necessary. Dkts. 4, 34, 46, 54. Each of Plaintiffs’ motions for particular relief, or responses in opposition, were successful. *Id.* Additionally, Plaintiffs’ counsel attempted prior to filing suit, upon the filing of suit, and in the months during discovery to continuously raise the suggestion of settlement (to no avail) in order to minimize the need for litigation as much as possible. Miller Affd. ¶¶21-24.

When Defendants were unwilling to settle, counsel then persuaded defense counsel to agree to an expedited litigation schedule that would not permit lengthy discovery battles

or unnecessary motions practice before this Court. Dkt. 19. It also avoided the need to hold both a preliminary injunction hearing and a final merits trial. Once the case was ultimately settled, Plaintiffs' counsel obtained results for their clients that were beyond what was sought in the prayer for relief in their Original Complaint, including relief for other media personnel in Oklahoma through re-establishment of the media line. *Compare* Dkt. 1 *with* Dkt. 58.

Moreover, although the case occurred over only 4 months, it was, nonetheless, "exceptionally protracted" by 3 months, 3 weeks and 6 days. The parties spent unnecessary time and expenses to litigate a matter that should have been rectified upon the filing of, if not prior to, Plaintiffs' motion for temporary restraining order. As this Court stated at the TRO hearing: "What perplexes me about this whole thing is why we are even here, honestly. I've thought about this since this was filed, and this just seems to me that this could have and should have been resolved in another way." TRO Hrg. Tr. 28:10-14. Before even engaging IFS as their counsel, KFOR attempted to resolve the matter with Ryan Walters and Dan Isett informally. Miller Affd. ¶20. And once Mr. Miller and Ms. Corbello became involved, they continued those attempts at informal resolution. Miller Affd. ¶¶21-24. Defendants resisted each and every effort. *Id.*

Defendants not only resisted settlement, they *admitted*, from the beginning of the suit, that they denied Plaintiffs because Defendants disagreed with the content and viewpoint expressed in KFOR's reporting. *See generally* TRO Hrg. Tr. 29:24 – 32:10, 30:18-21, 37:9-38:7; *see also* Dkt. 23. Thus, there was no reason that Plaintiffs should have been required to expend time and money litigating this case including (1) conducting and

responding to written discovery; (2) preparing for, travelling to, and taking or defending depositions; (3) creating and executing a litigation strategy; and (4) preparing for trial, including motions practice, and attending trial, where Defendants were clearly violating the Constitution and simply should have stopped doing so. Moreover, an enhancement on this basis would serve to discourage Defendants from engaging in similar behavior in the future in which they are completely unwilling to preserve judicial and plaintiff resources and come to a reasonable, timely resolution.

Additionally, because of the intensity that expedited litigation demands, especially when discovery disputes arise, perplexing jury demands are made, or a party pursues strange defenses—such as attempting to prove the falsity of news coverage, adept handling is necessary to keep the case on track. So, while the case was not “exceptionally protracted” in length compared to other types of 1983 cases, intensity is its own form of protraction.

Under Oklahoma prevailing rates, the standard rate for an attorney of Ms. Corbello’s experience and skill would be \$436. Corbello Affd. ¶¶74-75. And the standard rate for an attorney of Mr. Miller’s experience and skill would be \$541. Miller Affd. ¶73. Thus, even if this Court uses Oklahoma as the “relevant community,” the application of a 1.5 multiplier justifies the rates of \$655 for Ms. Corbello and \$812 for Mr. Miller.

C. Each attorney’s background should be considered.

Once the temporal and enhancement decisions are made, the “prevailing” rates must be determined. “[T]he burden is on the fee applicant to produce satisfactory evidence – in addition to the attorney’s own affidavits – that the requested rates are in line with those

prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.” *Blum*, 465 U.S. at 895 & n.11.

Both Mr. Miller, Mr. Nelon, and Ms. Corbello have submitted their own declarations regarding their experience and education, and the Court is asked to consider those, and to do so in the context of the explication of determining reasonable rates for attorneys of similar skill and experience in Washington D.C. and/or Oklahoma City. Corbello Affd. ¶¶53-63; Miller Affd. ¶3-15, 64; Nelon Affd. ¶ *passim*.

D. Counsels’ hours are reasonable

Plaintiffs are entitled to compensation for all time “reasonably expended on the litigation.” *Webb v. Board of Education of Dyer County*, 471 U.S. 234, 242 (1985); *see also Hensley*, 461 U.S. at 440 (“prevailing party . . . compensated . . . for all hours reasonably expended by its attorneys”). The number of hours requested must be proven “by submitting meticulous, contemporaneous time records that reveal, for each lawyer for whom fees are sought, all hours for which compensation is requested and how those hours were allotted to specific tasks.” *Case v. Unified School District No. 233, Johnson County, Kansas*, 157 F.3d 1243,1250 (10th Cir. 1998) (citing *Ramos*, 713 F.2d at 552).

Time is reasonably expended when it is “useful and of a type ordinarily necessary to secure the final result obtained from the litigation.” *Pa. v. Delaware Valley Citizens’ Council for Clean Air*, 478 U.S. 546, 561 (1986) (internal citation and quotations omitted). This includes all “compensation for work performed in preparing and presenting the fee application.” *Case v. Unified Sch. Dist. No. 233, Johnson Cnty., Kan.*, 157 F.3d 1243, 1254 (10th Cir. 1998) (quoting *Mares v. Credit Bureau of Raton*, 801

F.2d 1197, 1205 (10th Cir. 1986)). As a general rule, courts “should defer to the winning lawyer’s professional judgment as to how much time he was required to spend on the case.” *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2007). And “[w]here a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.” *Hensley*, 461 U.S. at 435.

Counsel has submitted time sheets detailing all work provided on this case. Corbello Affd. ¶¶7; Miller Affd. ¶42; Nelon Affd. ¶¶11–12. All of the hours submitted for the Court’s consideration are for work that was necessary to the litigation of this suit and no more than required to obtain a successful result. Corbello Affd. ¶¶16-24, 77; Miller Affd. ¶¶48-54; Nelon Affd. ¶12. Additionally, as explained *supra*, counsel obtained excellent results in this case beyond what their initial complaint demanded, which further justifies the hours counsel expended in this matter.

II. PLAINTIFFS ARE ENTITLED TO COMPENSATION FOR TIME SPENT ON THIS MOTION

In addition to requesting compensation for their attorneys’ time in the merits litigation, Plaintiffs are also asking to be reimbursed for attorney time spent on this fee petition. *Littlefield v. Deland*, 641 F.2d 729, 733 (10th Cir. 1981) (holding that a party may receive attorneys’ fees for work done “in resolving the fee issue itself.”); *see also Iqbal v. Golf Course Superintendents Ass’n*, 900 F.2d 227, 229 (10th Cir. 1990).

Undersigned counsel made numerous attempts to settle this suit and, in doing so, to negotiate attorneys’ fees so as to avoid the need for post-trial motions practice. *See Miller Affd.* ¶¶21-38. Counsel went so far as to cut their original attorneys’ fees offer by 60% on the day of trial. *Miller Affd.* ¶35. But Defendants refused to agree to any amount of

fees, thus necessitating the extra time and resources to draft and litigate the present Motion. *Id.* As such, the fees that undersigned seek to prepare and litigate this motion are reasonable and should be awarded.

III. PLAINTIFFS ARE ENTITLED TO REASONABLE COSTS OTHER THAN ATTORNEYS' FEES.

Rule 54(d) of the Federal Rules of Civil Procedure provides that “costs other than attorneys’ fees shall be allowed as of course to the prevailing party unless the court otherwise directs.” Under this rule, costs include clerk and marshal fees, court reporters’ fees, printing and witness fees, copying fees, and certain docket fees. 28 U.S.C. § 1920. *Jane L.*, 61 F.3d at 1517. Other out-of-pocket expenses incurred during litigation may be awarded as attorneys’ fees under Section 1988(b) if (1) the expenses are not absorbed as part of law firm overhead but are normally billed to a private client, and (2) the expenses are reasonable. *Id.* Plaintiffs’ counsel has provided spreadsheets that includes all reasonable litigation costs including filing fees, deposition fees and other necessary expenditures by both IFS and Hall Estill. Corbello Affd. ¶¶9-11; Nelon Affd. ¶18.

Additionally, Plaintiffs’ counsel should be rewarded for their travel costs. Travel “may be included in the concept of attorney’s fees as incidental and necessary expenses incurred in furnishing effective and competent representation.” *Brown v. Gray*, 227 F.3d 1278, 1297 (10th Cir. 2000) (internal citations and quotations omitted). Here, travel was necessary to counsel’s representation of Plaintiffs. Counsel was required to appear in person at the TRO hearing, for depositions, and at trial/settlement. And counsels’ level of expertise in this area of law, as well as the lack of availability of local counsel with the

same expertise, *see supra*, further justifies that travel. *D.H. v. Ponca City Indep. Sch. Dist. No. 71*, No. 06-CV-523 CVE-SAJ, 2007 U.S. Dist. LEXIS 66427, at *9 (N.D. Okla. Sep. 7, 2007) (awarding travel costs where counsel “ha[d] a very high level of expertise” in the specific area of law and the “[p]laintiffs could not have found the combination of lawyers with that expertise locally.”). In an effort to compromise and seek only what is “reasonable,” counsel made efforts to reduce their costs both in travel and in reporting to this court. During travel, Ms. Corbello utilized her military veteran’s discount to obtain lower hotel rates for herself and Mr. Miller. And counsel shared rideshares and rental cars as much as possible when traveling together. Additionally, Ms. Corbello and Mr. Miller divided the defending and taking of depositions to ensure only one attorney was required to travel for those events. Corbello Affd. ¶12; Miller Affd. ¶43. And Mr. Miller took those depositions quickly – focusing only on the issues relevant to the suit in order to minimize court reporter and videographer fees. Miller Affd. ¶43. Also, in reporting to this Court, counsel has only sought the reimbursement of costs for flights and hotels, and transportation (rental cars or rideshare services) but not for parking, gas or meals.

Undersigned counsel has provided a separate spreadsheet detailing the costs and expenses, including the aforementioned travel expenses, associated with this suit, which total \$10,550.14.

CONCLUSION

For the reasons explained above, Plaintiffs are entitled to recover and they request that the Court award \$366,044.60 in reasonable attorneys’ fees and \$10,550.14 in costs and expenses.

Respectfully submitted.

Dated: February 10, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2025, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing, which will transmit a Notice of Electronic Filing to all ECF registrants of record in this matter.

s/ Courtney Corbello
Courtney Corbello

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

I, Courtney Corbello, submit the following affidavit in support of Plaintiffs' Motion for Attorneys' Fees and Costs Pursuant to 42 U.S.C. § 1988(b):

1. I am an attorney at the Institute for Free Speech (IFS). I am licensed to practice law before all state and federal courts in Texas, Washington, D.C., Colorado and am also admitted to the Fifth and Tenth Circuit Court of Appeals. I am attorney of record for all Plaintiffs in this action. I have personal knowledge of the facts expressed below, and with respect to any facts alleged on information and belief, I am informed and do believe them to be true.

2. I submit this Declaration in support of Plaintiffs' request for attorney fees and costs expended in the pursuit of this matter.

3. Plaintiffs brought this suit on September 23, 2024 claiming that Defendants had violated their First Amendment rights by denying them access equal to that of other press

for arbitrary and viewpoint-based reasons. Plaintiffs sought restoration of their access to these events and an order preventing Defendants from physically obstructing or touching them in a manner meant to impede their access.

4. On December 11, 2024, this Court issued a Permanent Injunction Order against Defendants. This order not only restored Plaintiffs' access to OSDE school board meetings and Superintendent Walters' press conferences but also restored access to OSDE board meeting RSVP notices, the email distribution list for OSDE press releases, and OSDE statements issued to members of the press. The order also required Defendants to re-establish a media line for *all* journalists wishing to attend OSDE board meetings. The order further established that the parties had agreed to submit the issue of an attorneys' fees amount to the Court for determination.

5. That Permanent Injunction Order is at Dkt. 58 in the record of this matter. Therefore, under 42 U.S.C. §1988, the Court is authorized to award reasonable attorney fees and costs as counsel for the "prevailing party," and Plaintiffs submit they were the "prevailing party."

Amount of Fees and Costs Requested

6. Plaintiffs' counsel seeks an award of attorney fees and paralegal fees in the total amount of \$366,044.60. This figure contemplates rates for both myself and Mr. Miller based on the reasonable attorney fee rates in the Washington D.C. area as well as the rates for Mr. Nelson for the reasons set forth further below, in the co-counsel's declarations and in the Memorandum of Points and Authorities.

7. The amount of hours I spent on this case are attached to this Declaration as **Exhibit A**. I have reviewed all of my billing records for this case and can affirm they are true and

accurate account of the time I reasonably and necessarily expended to successfully litigate this case. I took the initiative to lighten the time expended by at least 50 emails, phone call and text conversations with co-counsel and my clients.

8. The hours spent by Charles Miller and Bob Nelon are also attached to this motion in their own declarations.

9. Plaintiffs also seek an award of costs in the amount of \$10,550.14. IFS primarily handled costs in this matter, although local counsel, Bob Nelon, also covered certain fees and costs. For costs covered by IFS, I have attached a spreadsheet detailing those and the total amount spent as **Exhibit B** to this Declaration.

10. I have included the receipts as **Exhibits C-H** and in the following categories:

Exhibit C: Travel & lodging by counsel to and from TRO hearing
Exhibit D: Travel & lodging by counsel to and from depositions
Exhibit E: Travel & lodging by counsel to and from trial/settlement
Exhibit F: Deposition-related receipts
Exhibit G: Invoice for TRO Hearing Transcript
Exhibit H: UPS receipts

11. I do not have the receipts for Mr. Miller or my admission to practice pro hac vice in the Western District of Oklahoma, however, I am aware that the fee was \$100 each. *See Fees and Interest Rates*, <https://www.okwd.uscourts.gov/fees-and-interest-rates>.

12. I can attest that Mr. Miller, Mr. Nelon and I made every effort to reduce costs in this case. For example, I used my military veteran discount (which can be used for up to two reservations at a time) to obtain hotel rooms at lower rates. We shared rideshares and rental cars as much as possible when traveling together. We also divided the defending and taking of depositions to ensure only one attorney was required to travel for those events.

13. Costs covered by Bob Nelon’s office, Hall Estill, are included in the Declaration of Bob Nelon. The amount of Costs set forth in his declaration is adopted by the undersigned and I have personally reviewed the calculations and foundational documents for the amount of costs requested and submit all are true and correct to the best of my information and belief.

Multiplier Request

14. On behalf of Plaintiffs, I request the Court consider a “multiplier” of 1.5 times the Lodestar amount determined by the Court given the risk involved in a pro bono case in which the Institute for Free Speech advanced all costs and Defendants made very clear, from the filing of the Complaint, that there would be no settlement and the parties would need to litigate this case to trial. This request is also supported by Permanent Injunction Order, which is significant in that it obtained Plaintiffs all the relief they sought plus additional relief.

Efforts Made by Plaintiffs to Settle

15. Efforts by Plaintiffs to settle this case were primarily led by my co-counsel, Mr. Miller Miller, and are laid out in detail in his declaration.

Lodestar Factors:

Time and Labor Required

16. The time I have spent litigating this case is attached to this Declaration as Exhibit A.

17. These legal matters involving the violation of free press under the First Amendment are always a time and labor-intensive undertaking. The issues start with the effort to

compile the facts necessary to not only bring a complaint but an emergency motion for relief in the limited timeframe there is to do so. As soon as our clients reached out to IFS, I began attempting to obtain as much written evidence as possible – including social media postings, web articles, governmental information and other necessary documentation. I also began drafting the multiple documents necessary to initiate the suit and obtain quick relief for our clients. Doing so involved numerous internal conversations and conversations with the clients as well as compiling all evidence in a cohesive, cogent way.

18. Immediately following the filing of Plaintiffs’ suit, the Court ordered a TRO hearing to be held the following day. This required Mr. Miller and I to delay matters in other cases in order to quickly book plane tickets and make our way to Oklahoma City. While travelling, I had to quickly prepare for the hearing, ensuring all arguments necessary to support our request for a temporary restraining order would be raised.

19. Following the TRO hearing and the Court’s issuance of a TRO, Mr. Miller and I immediately attempted to confer with defense counsel to query whether settlement was possible (defense counsel said it was not) and ensure the litigation period was as efficient and minimal as possible. Mr. Miller and I persuaded defense counsel to begin the discovery period immediately, have discovery last only 2 months, and go to trial in 3 months, all while the TRO remained in effect.

20. Because of the shortened discovery period, I began drafting Plaintiffs’ discovery requests immediately, which included requests for production and interrogatories. I also set to work attempting to organize the depositions of Ryan Walters and Dan Isett. We received Defendants’ requests for admission and interrogatories shortly after Plaintiffs’

discovery requests were sent, which I then immediately began working on with our clients to draft responses to. The meetings and email communications necessary to get those responses finalized were numerous and time-consuming, particularly given the amount of information Defendants sought and our desire to lessen the chance of prolonged, unnecessary discovery motions practice as much as possible.

21. Following the written discovery period, the parties engaged in deposition practice. This required me to hold prep sessions with each of the individual plaintiffs in the suit as well as additional meetings with KFOR management. It also required me to engage in my own preparation to ensure I was aware what my clients would be asked and any evidence they would be questioned on. I then had to travel from a Sunday to a Wednesday to attend the depositions. In addition to defending those depositions, I also held additional prep meetings for Dylan Brown and Gage Shaw as well as communicated with Mr. Miller and KFOR management throughout my time there.

22. Immediately following the depositions, I began working on the reply in support of Plaintiffs' preliminary injunction motion (Dkt. 47) and the pretrial documents – witness and exhibit lists, motion in limine and objections to defendants' witness and exhibit lists. Given the extent of the witnesses, exhibits and arguments that Defendants intended to introduce, the work took a significant amount of time to complete, particularly the reply brief and motion in limine.

23. Once those filings were complete, I then had to begin preparing for trial, including reviewing all evidence, drafting direct examination outlines and preparing an opening statement. Mr. Miller and I travelled to Oklahoma two days early to meet with each

individual client as well as with management for KFOR, Natalie Hughes and Wes Milbourn. During these meetings, which occurred on December 10, 2024, Mr. Miller and I were also attempting to move settlement discussion along in order to avoid the need for a trial the next day.

24. The settlement discussions began again the morning of trial, December 11, 2024. Thus, in addition to continuing to prepare for trial and travelling to Court, Mr. Miller and I were working to obtain Defendants' position on the terms of a settlement agreement. The parties then continued those discussions at the Federal Courthouse, eventually settling the case in lieu of beginning trial.

Novelty and Difficulty of Questions Presented

25. This matter involved questions of press access in a limited public forum, and violations of the First Amendment.

26. One strong point supporting the proposition this case is certainly a "novelty" involves the fact that press access cases in Oklahoma are not plentiful by any means. In fact, using Lexis for my research, I was unable to find any cases in Oklahoma Federal Court that discussed the First Amendment rights of the press and whether those are violated where the press does not receive equal access to limited public forums for arbitrary or viewpoint-based reasons.

27. Another indication of the novelty of this suit is that, in Oklahoma, there are only a handful of law firms that appear to handle First Amendment issues, even fewer that handle First Amendment cases for journalists and even fewer still who handle First Amendment cases for journalists being denied equal access to governmental forums. This void in

Oklahoma makes sense. As I have experienced, and Mr. Miller can also attest to, niche or unique First Amendment topics - and niche, unique civil rights topics in general - can take years to litigate. These cases can involve prolonged litigation in district court, significant discovery disputes, numerous, lengthy trips to the federal appellate courts, and months-long settlement discussions. Many local law firms simply do not have the time nor funding to support such a large lift.

28. Clearly there would be hundreds of attorneys in Oklahoma ready to handle this type of case if there were (1) a clientele demanding their presence; and (2) a financial incentive to offer those services. But there is not. And this is why myself and the other attorneys at IFS are often stepping in to meet the unique demand there is and take on the attorney fees for these multiple year, multiple defendant, multiple documents/entities/witness styled cases, which are simply not enough in amount or time to obtain to incentivize private counsel as is intended by 42 U.S.C. § 1988(b).

29. These cases are also a “novelty,” in that, unlike every other kind of civil rights matter known to the undersigned, (1) the underlying facts arose in the context of state educational board meetings that are open to the public but held in a room that does not accommodate much of the public or even all press; (2) the Defendants were only the Superintendent and his communications manager, not the OSDE board, who were acting outside of any official written or verbal policy; (3) there was a lengthy, fact-heavy history between the two parties, and their agents, or employees, that played out both publicly and privately, which was not only difficult to unravel but difficult to discern how relevant it was and to what extent; and (4) it involved case law that is not well-settled and law that

has been analyzed in several different ways – and dependent on the government actors, the forum at issue and the journalists’ actions – by federal courts across the country, which, in turn, required counsel to make plans for discovery, depositions, briefing and trial that would accommodate all possible theories, rulings and defenses.

30. All of these issues go to “novelty,” however, they also go to the level of skill and experience – at the very least the latter – that is required of anyone who wishes to practice in this area of law and have a chance of fighting well for their clients for a period in the federal courts that is regularly an 18 month to two year commitment and starting with the first “battle” that an attorney who takes these cases faces which is actually getting preliminary emergency relief where the burden is very high.

Skill Required to Perform the Legal Service Properly

31. I will not spend a lot of time on this subsection of “criteria” the Court must consider, for there is a point to be made that any area of law requires a set of skills to practice successfully in, and taking a case from Complaint filing to trial and victory at trial is certainly in indication that those skills have been utilized. But the “skills” themselves are not something of a mystical level.

32. The skills such as identifying necessary discovery, then conducting broad and thorough discovery on what is identified, reviewing diligently any and all evidence, determining it (or any part of its) evidentiary value to specific elements of your burden of proof on a claim, figuring out the who and when to bring it in to a trial, and so on, those are baseline skills for being a good attorney.

33. Determining how to present your case to the Court is a skill, though the “skill” of

that aspect is fraught with uncertainty and speculation, hard to track, hard to measure. Determining how to keep out of evidence what an attorney feels will be harmful to a specific proposition or the case in general is a skill, and identifying those issues as they arise in the course of a proceeding that should be included in a Motion in Limine is indeed a skill.

34. All of these “skills” come into play, and in an area of law such as in this case - against a government entity and in a Court that Mr. Miller and I were unfamiliar with - is definitely a skill.

35. In the opinion of the undersigned, in the end, the biggest “skill” of all, is simply the willingness to do the hours and hours and hours of work to understand and know intimately the details of one’s case, to pursue it relentlessly. I submit I did that, and I do that generally. However, as I say to anyone who asks about what makes a good attorney, especially if they have an idea of what an attorney does that comes from television and movies, it is no different than being a “ditchdigger,” you have to get in the trench and dig!

36. A “ditch-digger” who is also an archeologist is an even better analogy, because like an archeologist who uncovers a bone, or a piece of pottery during a “dig,” the attorney has to keep on digging and put the pieces that come out of the “ditch” into an understanding of a larger whole. For the archeologist, maybe it is a better determination of the tribe/culture or dinosaur he/she has uncovered, and for the attorney it is the real facts and motivations that led the defendants to engage in whatever they are being sued for doing. In the world of the attorney, it is the skill of discovering “the case.” Slogging through discovery and conducting hours of depositions to discover “the case,” that is a skill, and it is what was

done.

37. Whether properly coined “skill,” or the arguably better term “experience,” there is a unique “body” of law and paperwork in the First Amendment litigation world, that one must have a significant amount of exposure to in order to know what should be produced, and how some documents fit into the rights at issue. This is precisely what attorneys at IFS, including myself, are trained on, practice in and conduct research into, day after day.

38. If the Court finds the term “skill” appropriate in this context, as Plaintiffs submit it is, Plaintiffs ask that it be applied as a criteria favorably met by Plaintiffs in support of this request for attorney fees.

Preclusion Of Other Employment

39. Of course, other employment was precluded when undertaking this case.

40. IFS is a relatively small organization in terms of its legal team. During the time this case was filed and then pending, IFS had only 7 attorneys, including myself, all of whom were also handling several other, litigation-intensive suits. *See Cases*, Institute for Free Speech, <https://www.ifs.org/cases/>.

41. Particularly given that the IFS litigation team resides – and IFS lawsuits occur - all over the country, there are only so many cases each IFS attorney can take on at one time and provide the litigation expertise those cases need.

42. Thus, because this case, as explained, required significant work and travel from beginning to end, we were required to tell other inquiring litigants, during that period, that their case either could not be taken at all, or would need to wait.

43. There is no shortage of cases coming to the attention of the undersigned and IFS,

but, with a smaller, nonprofit law firm that practices nationally, there are only so many hours and attorneys that can be dedicated to the numerous First Amendment violations that state and federal government actors commit every day throughout the country.

44. I submit the hours that had to be expended on this matter, are virtual stand-alone proof of the fact taking on this case, or any like it, precludes unknown but significant amounts of “other employment.” As does paying for the costs, which is going on constantly. These cases against government entities and government actors are exponentially more time consuming and expensive than, for example, a boundary dispute about a fence between two neighbors.

Customary Fee Charged In Matters Of This Type; Whether Fee Is Fixed Or Contingent

45. This case, like every case IFS takes, was taken pro bono, with the understanding that counsel would seek attorneys’ fees for the work performed, and costs, under Section 1988. I am unaware of any “customary fee” that is applicable to cases such as this one, or any civil rights case for that matter. However, the fact that there is no customary fee as a result of my pro bono representation does not preclude an award of attorneys’ fees. *See, e.g., Blanchard v. Bergeron*, 489 U.S. 87, 94 (1989) (“[W]here there are lawyers or organizations that will take a plaintiff’s case without compensation, that fact does not bar the award of a reasonable fee.”).

Any Time Limitations Imposed By Client Or Circumstances

46. As in many cases where one’s First Amendment rights are being violated concurrent with the suit being filed, time is of the essence. Every moment that KFOR and its journalists were being denied equal press access was a moment that they would not get back and would

deprive the public of their reporting. Those stakes required my co-counsel and I to work quickly and efficiently.

47. It is also what pushed us to negotiate with defense counsel on an expedited litigation schedule. As an attorney, it never feels like you're on stable ground when on an expedited litigation schedule. More choices need to be made as to how you're going to litigate the case, what discovery you're going to seek, how you're going to resolve discovery disputes all in a very truncated timeline – in this case, about 2 months. But the expedited litigation schedule ensured our clients First Amendment rights were best protected, so it was a necessary decision.

48. Timing was also limited because of the nature of our clients' business. Local broadcast news is a 24/7 operation, and our clients were the photojournalists, reporters and news directors that kept that operation running. So, working within a truncated timeline already, and then truncating that timeline even further to accommodate our clients various obligations, created challenges that we were ultimately able to overcome and, despite them, succeed.

The Amount of Money, Or Value Of Rights Involved, And Results Obtained

49. The value of constitutional rights is not fixed. In this instance, the substantial and comprehensive permanent injunction that Defendants capitulated to would be analogous, in monetary terms, to millions.

50. The freedom of the press is arguably one of the single most valued rights in a free and just society. As this Court put it: "It is no coincidence that the very first of the constitutional amendments addresses the freedom of speech. The framers undeniably

understood that, so long as there was government, there would be those in power seeking to subvert or suppress the people’s right to criticize it. This country had just declared its independence from a monarchy hostile to free and open discussion. Therefore, despite creating a system of limited government and enumerated powers, the framers recognized then—as we do now—that the right to free speech is a fundamental prerequisite to the success of the republic. This, no doubt, is what separates this country from authoritative regimes, where government control over information and the press stifles public discourse and suppresses dissent.” Dkt. 14 at 8.

51. This is exactly why the freedom of press under the First Amendment is such a critical and invaluable right. Without it, we are at the mercy of our government officials and what they choose to disclose, and not disclose, to us about what they are doing in their “public service” roles with our tax dollars or the power we’ve granted them.

52. Therefore, yes, valuable rights were enforced by this permanent injunction, and the results are known to the Court. The results are by any measure, on a scale from “great” to “fantastic.”

Experience, Reputation, and Ability Of The Attorneys

53. I am 2009 graduate of University of California Los Angeles (UCLA), where I received a Bachelor of Arts degree in English. I enlisted in the U.S. Army following graduations, where I learned Mandarin and served as a Cryptological Linguist.

54. Following service, I briefly attended DePaul University - College of Law in Chicago, IL, before transferring to UCLA School of Law where I received my Juris Doctor from in 2015. I am currently attending the Dickson Poon School of Law at King’s College

London, studying for a Master's degree in International Corporate and Commercial Law.

55. While in law school, I worked full time as a law clerk/office manager at a criminal defense and civil rights firm, as well as two separate civil defense firms. I was also on the Moot Court team at both DePaul and UCLA, the sole recipient in my graduating class of the Order of the Barristers Statue of Justice for excellence in oral advocacy and awarded the Barry A. Capello Endowment Fund for past and future promise in trial work.

56. I was admitted to the Texas State Bar in November 2015. I am also a member of the District of Columbia bar (August 2023) and the Colorado bar (March 2024). I am admitted to practice in the Fifth and Tenth Circuit Court of Appeals.

57. My first position out of law school was as a briefing attorney to Judge David Newell at the Texas Court of Criminal Appeals. I had many responsibilities including reviewing and providing feedback to the Judge on writs of habeas corpus, petitions for discretionary review and direct appeals; drafting both majority and side opinions for the Judge's approval; preparing for and participating in monthly oral arguments before the Court; and reviewing and consulting on death penalty cases.

58. After my time clerking, I joined the Texas Attorney General's office where I started with the Law Enforcement Defense Division and, after three years, transferred to the General Litigation Division. In both divisions, I handled my own caseload of both federal and state cases. Most of my docket consisted of complex, usually high-profile defense cases, along with a handful of plaintiff cases. I have litigated in a wide range of legal areas including corporate law, free speech, immigration, Title IX, redistricting, criminal law, election law, employment, tort, religious liberty, Big Tech, class actions and statutory

challenges.

59. After working in the General Litigation Division for over two years, I began working for the Institute for Free Speech, where I am currently employed.

60. I have numerous bench and jury trials in federal civil rights matters in my background, including *Brandon Richardson v. Brandon Belote, et al.*, 2:2014cv00464 (Texas Southern District Court); *Jack Hearn, et al v Steven McCraw, et al.*, 1:2018cv00504 (Texas Western District Court); *Graves v. Andrews et al.*, 9:20cv00098 (Texas Eastern District Court); *Petry v. TDCJ*, 1:18cv00373 (Texas Eastern District Court); *Weaver v. Echevarry et al.*, 2:17-cv-00388 (Texas Southern District Court); *Hearn et al v. McCraw et al.*, 1:18cv00504 (Texas Western District Court); *Tawakkol v. Vasquez et al.*, 1:19cv00513 (Texas Western District Court); and *Tarver v. Texas Health and Human Services Commission*, 4:19cv04464 (Texas Southern District Court).

61. I have also been co-counsel on several cases with state or nationwide impact, including *LULAC v. Abbott, et al.*, 3:2021cv00259 (Texas Western District Court) (redistricting in Texas); *Abbott v. Biden, et al.*, 6:22cv3 (Texas Eastern District Court) (Executive order mandating Covid vaccine on Texas National Guard); *Texas, et al. v. Biden, et al.*, 6:22-cv-4 (Texas Southern District Court) (Executive Order mandating minimum wage for federal contractors); *Shannon Daves, et al v. Dallas County Texas, et al.*, 3:2018cv00154 (Texas Northern District Court) (class action RE: bail reform in Texas); *Dwight Russell, et al. v. Harris County, Texas, et al.*, 4:2019cv00226 (Texas Southern District Court) (same); *Roppolo, Matthew vs. Lannette Linthicum, et al.*, 2:2019cv00262 (Texas Southern District Court) (class action concerning medical treatment in Texas

prisons).

62. Additionally, my experience in the First Amendment context is just as extensive. I was lead counsel in district court on *NetChoice LLC et al v. Paxton*, 1:2021cv00840 (Texas Western District Court), which the Supreme Court recently rendered a decision on. *See Moody v. NetChoice, LLC*, 603 U.S. 707 (2024). My history of First Amendment litigation also includes *Jackson v. Wright, et al.*, 4:21cv33 (Texas Eastern District Court), *Institute for Free Speech v. Johnson et al*, 1:2023cv01370 (Texas Western District Court), *Lowery v. Mills et al*, 1:2023cv00129 (Texas Western District Court), *Johnson v. Watkin et al*, 1:2023cv00848 (California Eastern District Court), *Belin v. Nelson*, 4:2024cv00021 (Iowa Southern District Court), *Fresh Vision OP, Inc. et al v. Skoglund et al*, 5:2024cv04055 (Kansas District Court), *Oliver et al. v. Federal Election Commission*, 3:2024cv01166 (Ohio Northern District Court), *Gays Against Groomers et al v. Garcia et al*, 1:2024cv00913 (Colorado District Court), and *Utah Political Watch et al v. Musselman et al*, 2:2025cv00050 (Utah District Court).

63. There are, of course, many other cases I have handled since taking my first case as litigation attorney in 2017. A simple search of my name on PACER reveals I have been involved in at least 151 federal civil rights matters in my 8 years of litigation. This does not include my practice in Texas state court (typically involving state constitutional claims) which number at least 16 according to Lexis.

The “Undesirability” Of the Action

64. As noted above and in the Declaration of Bob Nelon, there are only a few lawyers in Oklahoma who will handle these types of cases. The cases involve extensive motion

practice and up to several years of work before getting a resolution, hopefully a favorable one. The “undesirability” is reinforced by the fact that so few lawyers in Oklahoma take these cases.

Nature & Length of Professional Relationship Between Attorney & Client

65. The Clients engaged IFS, specifically Mr. Miller and me, in September 2023 and the relationship has run since that time. I spent significant time with each one of the individual Plaintiffs in this case as well as with KFOR leadership, Natalie Hughes and Wes Milbourn. I believe the professional relationship that we developed is one that will persevere through the years and I am confident that any one of my clients would contact me immediately in the future with any litigation needs or litigation-related advice they require.

Awards In Similar Actions

66. Admittedly, I do not have a long history of attorneys’ fees awards to present to this Court. While at the Texas Attorney General’s Office, the majority of my cases were litigated as counsel for defense and, in general, the Texas Attorney General’s Office had a practice of not seeking attorneys’ fees as a prevailing party on the types of cases I handled while I was employed there.

67. During my tenure at the Institute for Free Speech, I have only had one case settle, thus far, because the rest are still in active litigation. The one case that did settle was *Belin v. Nelson*, which was also a denial of press access case that took place in Iowa. In that matter, Defendants had the sense and foresight to agree to a settlement and restore our journalist client’s right to media areas within the Iowa Legislature only three days after

filing suit. Thus, as good will for preventing our client and us from having to conduct extensive litigation and discovery, as well as to ensure settlement was executed quickly, both Mr. Miller and I agreed to take a cut to our hourly rates of \$390. This is not the rate that Mr. Miller nor I would have sought in front of the Court, and certainly not after prolonged litigation. Moreover, while the results in that settlement were very favorable, the results obtained by the permanent injunction achieved in this case far exceeds it.

Application Of Reasonable Hourly Rates Based On Counsel's Home Jurisdiction

68. I wish to address the Court here on the issue of Plaintiffs' request that the Court apply the reasonable hourly rates for attorneys and paralegals with my firm, using the reasonable hourly rates for such professionals in the Washington, D.C. area.

69. As I have said previously, there are, at most, a few attorneys in Oklahoma that work in the First Amendment area of law, even less that handle cases concerning the denial of press access by government officials. I have also discussed the unique nature of these kinds of cases and the specialized knowledge and experience they require, so I will not belabor either point.

70. In D.C., the general method for determining reasonable hourly rates is through the "Fitzpatrick Matrix." The Fitzpatrick Matrix has been developed to provide "a reliable assessment of fees charged for complex federal litigation in the District [of Columbia][.]" *DL v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). Cases that are considered complex federal litigation include cases arising under the Freedom of Information Act, Title VII, the Americans with Disabilities Act, Constitutional Amendments, antitrust statutes, and others have been deemed complex, and even "relatively small" cases can

constitute complex federal litigation. *See, e.g., Reed v. District of Columbia*, 843 F.3d 517, 527-29 (D.C. Cir. 2016) (Tatel, J., concurring).

71. The explanation of how the Fitzpatrick Matrix works, how it was created and what the hourly rates have been calculated based on years of experience is attached to this affidavit as **Exhibit I**.

72. The Fitzpatrick Matrix has an online calculator located at <https://fitzcalc.org/>. Using that calculator to calculate fees for work in 2024 as an attorney that graduated law school in 2025, my proper hourly rate is \$655. This calculation can be seen attached to this affidavit as **Exhibit J**.

73. As discussed in the Motion for Attorneys' Fees, if this Court determines Oklahoma City is the "relevant community" from which to calculate rates, I would ask that the Court calculate those rates given the same reasoning above, while also considering a multiplier, as discussed above and also in Plaintiffs' Motion for Attorneys' Fees.

74. In 2022, this Court held that attorney hourly rates of between \$250 and \$475 are "in line with the prevailing market rates . . . in the Oklahoma City" in a civil rights action. *Inst. for Just. v. Laster*, No. CIV-19-858-D, 2022 U.S. Dist. LEXIS 231068, at *14 (W.D. Okla. Dec. 23, 2022); *see also Catholic Benefits Ass'n LCA v. Azar*, No. CIV-14-240-R, 2018 WL 3876615, at *12 (W.D. Okla. Aug. 15, 2018) (stating rates of between \$250 and \$470 are "customary Oklahoma City rates" in a civil rights action). There has been additional inflation since that time. As attested to by Bob Nelon – a 54-year attorney in Oklahoma – the hourly rates for an attorney with his experience, who practice in this specialized area of media-related litigation and First Amendment press access, are slightly

higher above that range at \$575/hour. Nelon Decl. ¶14. And, according to the online Enterprise Legal Marketplace, Legal.io, and their review of hourly rates submitted by local attorneys in Oklahoma City, litigation attorneys in Oklahoma City with 8 years of practice experience charge hourly rates between \$235 and \$425. *Law Firm Hourly rates*, Legal.io, <https://perma.cc/X5ZK-5AQU>.

75. Thus, based on the years I have as an attorney, as well as my significant litigation experience during that time, I believe a reasonable rate for my work in the “relevant community” of Oklahoma City, considering the data, would be \$436/hour.

76. As stated above, and in the Motion, counsel is also requesting that this Court apply a multiplier of 1.5 after considering additional relevant factors. By applying that multiplier to a rate of \$436/hour, I would submit that \$655/hour remains the reasonable hourly rate in this matter for my services.

Reasonable Hours Expended in Bringing this Attorneys’ Fees Motion

77. Included in Exhibit A are the costs incurred Motion between January 2, 2025 and February 9, 2025 when putting together this and all associated declarations and exhibits. As with the regular billing prior to judgment, I can attest that the hours spent on this Motion were reasonable and necessary given the extent of work required on such a motion and accompanying declarations and exhibits. I have only included time spent on the Motion, Declaration, and exhibits themselves and not included time spent on the spreadsheets calculating hours and costs (this time was spent both pre- and post-judgment and was not calculated for either period of time).

78. The total hours I expended on the post-judgment work in preparing this Motion is

28.3.

79. Based on the foregoing, and as noted in the Motion, I request the following fees and/or costs be awarded Plaintiffs in this matter

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

Executed on February 10, 2025.

s/Courtney Corbello
Courtney Corbello

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit A

Courtney Corbello Attorney Hours for KFOR, et al. v Walters, et al.		
Date	Task	Hours
9/5/2024	Reviewing email from Chip RE contact from KFOR	0.1
9/6/2024	Reviewing evidence sent by Natalie Hughes at KFOR and discussing meeting time	0.4
9/6/2024	Reviewing email from Natalie RE meeting	0.1
9/6/2024	Reviewing email from Chip RE meeting	0.1
9/12/2024	Initial intake meeting with client	1
9/12/2024	Follow up discussion with Chip RE: client meeting and litigation strategy	1.4
9/12/2024	Reviewing email from Nexstar General Counsel RE meeting	0.1
9/12/2024	Reviewing emails from Natalie Hughes RE initial litigation strategy	0.3
9/12/2024	Sending email to Natalie Hughes RE initial litigation strategy	0.1
9/13/2024	Drafting Complaint and TRO&MPI Brief	8.2
9/13/2024	Sending email to Natalie Hughes RE initial litigation strategy	0.3
9/16/2024	Drafting Complaint and TRO&MPI Motion and Brief	7.6
9/16/2024	Reviewing emails from Natalie Hughes RE initial litigation strategy	0.3
9/16/2024	Sending email to Natalie Hughes RE initial litigation strategy	0.1
9/17/2024	Drafting Complaint and TRO&MPI Brief; preparing exhibits to TRO&MPI	7.8
9/17/2024	Reviewing email from Bob Nelon RE Nexstar and KFOR background info	0.1
9/18/2024	preparing initial documents - cover sheet, PHV motions, declarations, summons	3.6
9/18/2024	Reviewing local rules	0.5
9/18/2024	Reviewing emails between Alan Gura (VP litigation for IFS) and Nexstar General Counsel	0.2
9/18/2024	Reviewing email from Bob Nelon RE initial case strategy	0.1
9/18/2024	Reviewing email from Alan Gura to Natalie Hughes RE initial case management	0.1
9/19/2024	Reviewing Alan's edits to complaint and updating TRO/MPI brief and declarations	5.5
9/19/2024	Reviewing email from Natalie Hughes RE initial case management	0.1
9/19/2024	Sending email to Gage Shaw RE initial case management	0.2
9/19/2024	Phone call with Gage Shaw RE initial case management	0.3
9/19/2024	Emailing with Natalie Hughes RE initial case strategy	0.3
9/19/2024	Emailing with Bob Nelon RE initial case filings	0.2
9/20/2024	Drafting TRO/MPI proposed orders; finalizing initial docs	6.25
9/20/2024	Reviewing email from Natalie RE initial case management	0.1
9/20/2024	Reviewing email from Natalie Hughes RE declaration drafts	0.2
9/20/2024	Reviewing email from Natalie Hughes RE finalized declarations	0.3
9/20/2024	Emailing Bob Nelon RE initial filings	0.1
9/20/2024	Reviewing and incorporating Bob Nelon's edits to complaint draft	0.6
9/20/2024	Reviewing email from Bob Nelon RE initial case filings	0.1
9/20/2024	Reviewing and incorporating Bob Nelon's edits to TRO/MPI brief draft	0.5
9/22/2024	Reviewing edits by Alan Gura to TRO/MPI brief; finalizing initial docs	4.75
9/22/2024	Reviewing email from Natalie Hughes RE: initial case filings	0.1
9/22/2024	Emailing Natalie Hughes and Dylan Brown RE initial case filings	0.2
9/22/2024	Emailing Bob Nelon and Kortney Nelson (paralegal) RE initial case filings	0.3
9/23/2024	Finalizing all initial documents for filing and sending to Bob	2.5
9/23/2024	Reviewing emails from Natalie Hughes RE declarations	0.3
9/23/2024	Reviewing email from Wes Milbourn RE initial case management	0.1
9/23/2024	Reviewing emails from KFOR Managing Editor Steve Johnson RE declarations	0.2
9/23/2024	Editing declarations	0.1
9/23/2024	Reviewing final filings sent by Kortney Nelson	0.2
9/23/2024	Reviewing email from Shannon Smith RE initial filings and basis of lawsuit	0.1
9/23/2024	Phone call to clerk's office RE informing of TRO and seeking case number	0.3
9/23/2024	Email to Kortney Nelson relaying information received from clerk's office	0.1
9/23/2024	reviewing emails from Bob Nelon RE initial filings	0.5
9/23/2024	Going to FedEx and sending out thumb drives to the Court and opposing counsel of videos attached as Exhs A-C to TRO/MPI	1
9/23/2024	Reviewing emails from Chip to opposing counsel RE agreeing to TRO to avoid the need for hearing	0.1
9/23/2024	Reviewing emails from Michael Beason in response to Chip's proposal to agree to TRO	0.1
9/23/2024	reviewing email from Kortney Nelson RE service of complaint on Defendants	0.1
9/23/2024	Reviewing emails between Chip and KFOR Managing Editor Steve Johnson RE Isett response to lawsuit	0.1
9/24/2024	Prepping for hearing	4
9/24/2024	Travel to hearing	5

9/24/2024	Reviewing Court order setting TRO hearing	0.1
9/24/2024	Phone call with Chip Miller RE TRO hearing setting and strategy	0.5
9/24/2024	Reviewing emails between Chip and KFOR Managing Editor Steve Johnson RE TRO hearing strategy	0.8
9/24/2024	Emailing with Bob Nelon and Kortney Nelson RE TRO hearing strategy and documents needed	0.4
9/24/2024	Reviewing emails between Chip and Bob Nelon RE media coverage of initial filings	0.3
9/24/2024	Reviewing entry of appearance filed by Shannon Smith	0.1
9/24/2024	Reviewing entry of appearance filed by Michael Beason	0.1
9/24/2024	Reviewing witness & exhibit lists sent by opposing counsel for TRO hearing	0.4
9/24/2024	discussion with Chip as to the witness & exhibit lists sent by opposing counsel for TRO hearing	0.3
9/24/2024	Reviewing emails between Chip, Bob and Steve Johnson RE TRO strategy	0.3
9/25/2024	Prepping for TRO hearing	2.1
9/25/2024	Attending TRO Hearing	1
9/25/2024	Travel from hearing to Austin	4.4
9/25/2024	Reviewing TRO order	0.5
9/25/2024	Reviewing email and attachments from Steve Johnson RE press credential process	0.2
9/25/2024	reviewing email from Kortney Nelson RE service of complaint on Defendants	0.1
9/25/2024	Reviewing order granting Chip and Courtney pro hac vice	0.1
9/25/2024	Emails between myself, Chip, Bob and clients RE TRO order	0.5
9/26/2024	Speaking with clients RE TRO Order	0.5
9/26/2024	Emails with Dylan Brown RE OSDE meeting held same day	0.2
9/26/2024	Drafting and filing Entry of Appearance	0.4
9/26/2024	Emailing with Natalie RE TRO, OSDE meeting that same day and litigation strategy	0.5
9/26/2024	Emailing Kortney Nelson RE TRO hearing transcript	0.1
9/26/2024	Email to Shannon Smith RE setting up meeting	0.1
9/27/2024	Reviewing email from Kortney Nelson RE TRO hearing transcript	0.1
9/27/2024	Reviewing email from Shannon Smith RE setting up meeting	0.1
9/27/2024	Email to Shannon Smith RE setting up meeting	0.1
9/27/2024	Reviewing email from Shannon Smith RE setting up meeting	0.1
9/27/2024	Reviewing order (dkt. 17) from Court	0.1
9/27/2024	Reviewing email and invoice from court reporter RE: TRO hearing transcript	0.1
9/27/2024	Emailing court reporter RE: paying for TRO hearing transcript	0.1
9/27/2024	Reviewing email from court reporter RE: paying for TRO hearing transcript	0.1
9/27/2024	Emailing court reporter RE: paying for TRO hearing transcript	0.1
9/27/2024	Reviewing email from court reporter RE: paying for TRO hearing transcript	0.1
9/27/2024	Emailing IFS office manager RE: paying for TRO hearing transcript	0.1
9/30/2024	Reviewing order (dkt. 18) from Court	0.1
9/30/2024	Communicating with Chip, Bob and clients RE Dkt 18 and meeting with opposing counsel	0.3
9/30/2024	Emailing with IFS office manager RE: paying for TRO hearing transcript	0.4
9/30/2024	Emailing court reporter RE: paying for TRO hearing transcript	0.1
10/1/2024	Meeting with opposing counsel RE: scheduling order	0.5
10/1/2024	Drafting proposed joint scheduling order	1
10/1/2024	Emailing with opposing counsel RE: draft	0.25
10/1/2024	Reviewing email from court reporter RE: paying for TRO hearing transcript	0.1
10/1/2024	Emailing court reporter RE: paying for TRO hearing transcript	0.1
10/1/2024	Reviewing email from court reporter RE: paying for TRO hearing transcript	0.1
10/1/2024	Reviewing email from Chip to clients RE: meeting with opposing counsel and dates for joint scheduling order	0.1
10/1/2024	Reviewing email from clients to Chip RE: meeting with opposing counsel and dates for joint scheduling order	0.1
10/1/2024	Emailing Bob Nelon RE Motion to Consolidate and for Scheduling Order	0.1
10/1/2024	Reviewing email from Bob Nelon RE Motion to Consolidate and for Scheduling Order	0.1
10/1/2024	Reviewing email from Chip RE Motion to Consolidate and for Scheduling Order	0.1
10/1/2024	Reviewing email from Steve Johnson RE: 2025 capitol credentials	0.1
10/1/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/1/2024	Reviewing email from Chip to Wayne Lee RE proposed scheduling order	0.1
10/1/2024	Reviewing email from Shannon Smith to Wayne Lee RE proposed scheduling order	0.1
10/1/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Emailing with opposing counsel RE: draft	0.5
10/2/2024	Drafting discovery requests	3
10/2/2024	Reviewing email from Michael Beason RE: proposed scheduling order	0.1

10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Chip to Michael Beason and Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Bob Nelon RE: proposed scheduling order	0.1
10/2/2024	Emailing clients RE proposed scheduling order dates	0.1
10/2/2024	Reviewing email from Natalie Hughes RE proposed scheduling order dates	0.1
10/2/2024	Emailing Shannon Smith RE: proposed scheduling order	0.2
10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Emailing Bob Nelon RE draft of Plaintiffs' discovery requests	0.1
10/2/2024	Reviewing email from Bob Nelon RE draft of Plaintiffs' discovery requests	0.1
10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Michael Beason RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Chip to Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Shannon Smith RE: proposed scheduling order	0.1
10/2/2024	Reviewing email from Kortney Nelson RE: filing proposed scheduling order	0.1
10/2/2024	Reviewing email from Kortney Nelson to Court RE: filing of proposed scheduling order	0.1
10/2/2024	Reviewing email from Kortney Nelson to clients RE: filing of proposed scheduling order	0.1
10/2/2024	Reviewing email from Natalie Hughes RE litigation strategy	0.2
10/2/2024	Reviewing email and hearing transcript sent by court reporter Susan Fenimore	0.5
10/2/2024	Reviewing Dkt. 20	0.1
10/3/2024	Drafting discovery requests	4.5
10/3/2024	Communicating with clients RE: litigation schedule	0.5
10/3/2024	Reviewing Dkt 23 and conferring with Chip as to the same	1
10/3/2024	Reviewing email from Bob Nelon RE: discovery drafts	0.1
10/3/2024	Reviewing Bob Nelon's suggested edits to discovery request drafts	0.1
10/3/2024	Emailing Bob Nelon RE: discovery request drafts	0.1
10/3/2024	Reviewing email from Bob Nelon RE: discovery drafts	0.1
10/3/2024	Reviewing Dkt. 21	0.1
10/3/2024	Reviewing Defendants' reponse to TRO/MPI	0.5
10/3/2024	Emailing clients RE scheduling order	0.2
10/3/2024	Reviewing email from Natalie Hughes RE scheduling order	0.1
10/3/2024	Calendaring deadlines from scheduling order (Dkt. 21)	0.5
10/4/2024	Reviewing court order (dkt. 24)	0.1
10/4/2024	Reviewing email from Bob Nelon RE: Dkt 24	0.1
10/4/2024	Reviewing court order (Dkt. 25)	0.1
10/4/2024	Reviewing Defendants' filing (Dkt. 26)	0.1
10/4/2024	Reviewing Defendants' filing (Dkt. 27)	0.1
10/6/2024	Emailing court reporter RE payment for TRO transcript en route	0.1
10/7/2024	Researching 10th COA case law on discovery requests and responses	1
10/7/2024	Reviewing Defendants ROGs and discussion with Chip	1.5
10/7/2024	Emailing opposing counsel RE Deposition dates for Walters and Isett; Subpoenas	0.25
10/7/2024	Drafting RFA shells and objections	1.7
10/7/2024	Sending RFA shells to clients	0.3
10/7/2024	Emailing Nexstar General Counsel RE: memo on discovery	0.1
10/7/2024	Reviewing email from Nexstar General Counsel RE: memo on discovery	0.1
10/7/2024	Reviewing email from Defendants RE: defendants' interrogatories	0.4
10/7/2024	Reviewing email from Wes Milbourn RE case strategy	0.1
10/7/2024	Emailing opposing counsel RE setting deposition dates for Ryan Walters and Dan Isett depositions	0.2
10/8/2024	Reviewing Defendants RFAs and discussion with Chip	1
10/8/2024	Drafting ROG shells and objections; sending to client to work on responses	2.6
10/8/2024	Sending ROG shells to clients	0.5
10/8/2024	Preparing subpoenas; legal research RE: discovery requests and third party subpoenas	2
10/8/2024	Reviewing email from Natalie Hughes RE memo on discovery and discovery requests	0.1
10/8/2024	Drafting memo on discovery	1
10/8/2024	Emailing memo on discovery to Nexstar General Counsel	0.1
10/8/2024	Reviewing email from opposing counsel RE Defendants' requests for admission	0.1
10/8/2024	Reviewing Defendants' requests for admission	0.3
10/8/2024	Reviewing email from Bob Nelon RE: Defendants' discovery requests	0.1

10/8/2024	Reviewing email from court reporter Susan Fenimore RE payment for TRO hearing	0.1
10/9/2024	Emailing opposing counsel RE Deposition dates for Walters and Isett; Subpoenas	0.25
10/9/2024	Reviewing email from opposing counsel RE Deposition dates for Walters and Isett; Subpoenas	0.1
10/9/2024	Emailing opposing counsel RE Deposition dates for Walters and Isett; Subpoenas	0.25
10/9/2024	Drafting and filing Notice of Subpoenas (Dkt. 28)	1
10/10/2024	Emailing with Natalie Hughes RE discovery responses	1
10/10/2024	Reviewing Defendants' answer to complaint	0.5
10/10/2024	Reviewing email from Bob Nelon RE: media story	0.1
10/10/2024	Discussion via Teams and phone with Chip RE Defendants' jury demand	0.3
10/11/2024	Finalizing and sending subpoenas to OSDE board members	1
10/11/2024	Reviewing court order (Dkt. 30) RE Defendants' jury demand	0.1
10/14/2024	Reviewing email from Kendra Wesson (OSDE Board Member) Re: 3rd party subpoena	0.1
10/14/2024	Emailing Kendra Wesson RE: 3rd party subpoena	0.1
10/14/2024	Reviewing email from Katie Quebedeaux (OSDE Board Member) Re: 3rd party subpoena	0.1
10/14/2024	Reviewing email from Kendra Wesson (OSDE Board Member) Re: 3rd party subpoena	0.1
10/14/2024	Reviewing email from Kevin Josefy RE interrogatory responses	0.3
10/15/2024	Emailing Cara Nicklas (attorney authorized to accept service for OSDE Board Members) Re: 3rd party subpoenas	0.1
10/15/2024	Reviewing email from Cara Nicklas (attorney authorized to accept service for OSDE Board Members) Re: 3rd party subpoenas	0.1
10/15/2024	Phone call with Chip RE: 3rd party subpoenas	0.3
10/15/2024	Reviewing email from Cara Nicklas (attorney authorized to accept service for OSDE Board Members) Re: 3rd party subpoenas	0.1
10/15/2024	Emailing 3rd party subpoenas to Cara Nicklas (attorney authorized to accept service for OSDE Board Members)	0.1
10/16/2024	Reviewing email from Natalie Hughes RE: interrogatory responses	0.1
10/17/2024	Reviewing email & attachments from Natalie Hughes RE: RFA responses	0.5
10/21/2024	Reviewing Defendants' Mtn for Jury Trial	0.5
10/21/2024	Reviewing email and attachment from Bob Nelon RE: litigation strategy	0.2
10/21/2024	Discussion over email with Chip RE: Defendants' motion for jury demand	0.3
10/22/2024	Reviewing emails between Chip and opposing counsel RE depositions of Walters and Isett	0.3
10/22/2024	Discussion with Chip over Teams RE depositions of Walters and Isett	0.2
10/22/2024	Reviewing and responding to email from Natalie Hughes RE interrogatory responses	0.4
10/23/2024	Email from Natalie Hughes RE interrogatory responses	0.2
10/23/2024	Responding to email from Natalie Hughes RE interrogatory responses	0.1
10/23/2024	Reviewing emails between Chip and opposing counsel RE depositions of Walters and Isett	0.2
10/23/2024	Discussion with Chip over Teams RE depositions of Walters and Isett	0.1
10/23/2024	Reviewing email and attachment from Bob Nelon RE deposition notice draft	0.2
10/24/2024	Reviewing email from Bob Nelon RE deposition notices	0.1
10/24/2024	Reviewing email from Shannon Smith RE depositions	0.1
10/25/2024	Reviewing email from Bob Nelon RE subpoenas	0.1
10/25/2024	Reviewing email from Bob Nelon RE Defendants' depositions	0.1
10/25/2024	Reviewing email from Bob Nelon RE response to Defendants' jury demand	0.1
10/28/2024	Drafting RFA responses; communicating with client	3.25
10/28/2024	Reviewing updated ROG responses draft from clients	2
10/28/2024	Editing Chip's draft of response to jury demand	0.5
10/28/2024	Reviewing email from Cara Nicklas (attorney authorized to accept service for OSDE Board Members) Re: 3rd party subpoenas	0.1
10/28/2024	Reviewing email from Natalie Hughes RE: ROG responses	0.1
10/29/2024	Drafting ROG responses; communicating with client	5
10/29/2024	Reviewing order from court (Dkt. 35) re: striking jury demand	0.2
10/29/2024	Reviewing email from Bob Nelon RE: Dkt. 35	0.1
10/29/2024	Reviewing email from news media seeking comment RE: court's order (Dkt. 35)	0.1
10/30/2024	Speaking internally at IFS and with press about recent court ruling	1
10/30/2024	Discussion with Chip over the phone RE: depositions	0.5
10/30/2024	Reviewing voicemail left by Shannon Smith	0.1
10/30/2024	Reviewing email from Shannon Smith RE depositions of plaintiffs and 3rd parties	0.2
10/30/2024	Email exchange with Natalie Hughes and Wes Milbourn RE court's order (Dkt. 35) and associated filings	0.5
10/30/2024	Reviewing email from Bob Nelon RE litigation strategy	0.1
10/30/2024	Reviewing email from Bradley Clark (OK AAG) RE: subpoenas to OSDE board members	0.1

10/31/2024	Conferring with Chip RE litigation strategy	1
10/31/2024	Reviewing email from Shannon Smith RE Plaintiffs' depositions	0.1
10/31/2024	Reviewing emails from Shannon Smith RE parties' trial exhibits	0.2
10/31/2024	Reviewing Notice to Take Deposition of Dylan Brown (Dkt. 36) filed by Defendants	0.1
10/31/2024	Reviewing Notice to Take Deposition of Gage Shaw (Dkt. 37) filed by Defendants	0.1
10/31/2024	Reviewing Notice to Take Deposition of Kevin Josefy (Dkt. 38) filed by Defendants	0.1
11/1/2024	Reviewing deposition notices and communicating with clients as to the same	0.5
11/1/2024	Drafting ROG responses; communicating with client and Bob Nelon as to the same	1
11/1/2024	Conferring with clients RE: discovery; litigation strategy	1
11/1/2024	Reviewing email from Bob Nelon RE deposition notices	0.1
11/4/2024	Reviewing Defendants discovery responses	1
11/4/2024	Drafting ROG responses; communicating with client as to the same	1.75
11/4/2024	Drafting MIL	2
11/4/2024	Emailing clients RE scheduling deposition prep meetings	0.1
11/4/2024	Reviewing email from Natalie Hughes RE scheduling deposition prep meetings	0.1
11/4/2024	Reviewing email and attachment from Bob Nelon RE discovery responses	0.3
11/4/2024	Reviewing email from Bob Nelon RE Defendants' discovery responses	0.1
11/5/2024	Drafting RFA responses; communicating with client	2.25
11/5/2024	Reviewing email from Bradley Clark (OK AAG) RE: subpoenas to OSDE board members	0.1
11/5/2024	Reviewing email from Kortney Nelson RE court reporters for Isett and Walters depositions	0.1
11/5/2024	Reviewing email from Natalie Hughes RE: Defendants' discovery responses	0.2
11/6/2024	Drafting ROG responses; communicating with client	1.75
11/6/2024	Drafting motion in limine	2.6
11/6/2024	Reviewing email from Kortney Nelson RE court reporters for Isett and Walters depositions	0.1
11/7/2024	Drafting RFA responses; communicating with client	2.75
11/7/2024	Reviewing email from Michael Beason RE deposition logistics	0.1
11/7/2024	Reviewing email from Kory Kile RE responsive records search	0.1
11/8/2024	Communicating with clients and Bob Nelon re depositions; incident with Isett at Capitol	1.5
11/8/2024	Calendaring deposition prep meetings	0.3
11/8/2024	Reviewing email and attachments from Blythe Hicks RE Matt Langston subpoena response	0.3
11/12/2024	Preparing outline and reviewing discovery responses for deposition preps with clients	2.1
11/12/2024	Deposition prep with Gage Shaw	1.3
11/12/2024	Sending email to clients RE deposition prep scheduling	0.1
11/12/2024	Reviewing email from Natalie Hughes RE deposition prep scheduling	0.1
11/12/2024	Emailing Natalie Hughes RE: litigation strategy	0.1
11/12/2024	Reviewing email from Natalie Hughes RE: litigation strategy	0.1
11/13/2024	Communicating with client RE recent developments	0.5
11/13/2024	Reviewing email from Natalie Hughes RE: 2025 LSB press credentials	0.1
11/15/2024	Deposition prep with Dylan Brown	1.4
11/15/2024	Deposition prep with Kevin Josefy	1.6
11/15/2024	Conferring with clients re depositions and plans for prep	0.5
11/15/2024	Reviewing email from Kortney Nelson RE deposition logistics	0.1
11/18/2024	Communications with clients RE depositions and plans for prep	2
11/18/2024	Communicating with opposing counsel re depos	0.5
11/18/2024	Traveling to OKC	5
11/18/2024	Amending RFA responses and sending to opposing counsel	0.6
11/18/2024	Reviewing entry of appearance filed by Defendants (Dkt. 39)	0.1
11/18/2024	Reviewing email from Bob Nelon RE Dkt. 39	0.1
11/18/2024	Reviewing email from Bob Nelon RE deposition logistics	0.1
11/19/2024	Attending and defending deposition of Dylan Brown	4
11/19/2024	Phone call with Natalie Hughes and Kevin Josefy RE: depositions	2
11/19/2024	Call with Chip RE: litigation strategy; defendants' depositions	1
11/20/2024	Attending and defending depositions of Gage Shaw and Kevin Josefy	5
11/20/2024	Traveling back to Austin, Texas	6
11/20/2024	Call with Natalie RE depositions and litigation strategy	1.1
11/20/2024	Emailing Natalie Hughes RE: reply in support of motion for preliminary injunction	0.1
11/20/2024	Reviewing email from Natalie Hughes RE: reply in support of motion for preliminary injunction	0.1
11/20/2024	Reviewing email from Bob Nelon RE: plaintiffs' depositions	0.1
11/21/2024	Reviewing email and attachments from Natalie Hughes RE: reply in support of MPI	0.3
11/22/2024	communicating with clients RE reply brief declarations	0.75

11/22/2024	Call with Chip RE: litigation strategy; defendants' depositions	1.25
11/22/2024	Email exchange with Chip RE litigation and trial strategy	0.2
11/22/2024	Reviewing email from Natalie Hughes RE: reply in support of MPI	0.1
11/22/2024	Reviewing email and attachment from Natalie Hughes RE: reply in support of MPI	0.2
11/25/2024	Call with client RE litigation strategy	1.5
11/25/2024	Drafting reply brief	1.9
11/25/2024	Reviewing email from Kortney Nelson RE: court reporter fees	0.1
11/25/2024	Emailing Kortney Nelson RE: court reporter fees	0.1
11/25/2024	Reviewing Whaley Motion for Leave to Appear PHV (Dkt. 40)	0.1
11/25/2024	Reviewing order from court (Dkt. 41) resetting trial start time	0.1
11/25/2024	Reviewing email from Bob Nelon RE trial strategy	0.1
11/25/2024	Reviewing email from Natalie Hughes RE depositions of Isett and Walters	0.2
11/26/2024	Drafting reply brief in support of preliminary/permanent injunction	1.25
11/26/2024	Reviewing order from court (Dkt. 43) granting PHV motion	0.1
11/27/2024	Drafting reply brief	3
11/27/2024	Reviewing email and attachments from Kory Kile RE Defendants' supplemental discovery responses	0.5
11/27/2024	Reviewing email and attachments from Kory Kile RE Defendants' witness and exhibit lists	0.2
11/27/2024	Email communication with Chip RE: Defendants' witness and exhibits lists	0.3
12/2/2024	Drafting MIL	3.4
12/2/2024	Drafting reply brief	3.8
12/2/2024	Drafting Exhibit & Witness List	3.6
12/2/2024	Communicating with clients RE reviewing deposition transcripts	0.5
12/2/2024	Prepping for trial - Reviewing Defendants' supplemental discovery responses, deposition transcripts, witness and exhibit lists; internal communications as to the same	4.3
12/2/2024	Emailing with opposing counsel's legal staff RE issues viewing Defendants' trial exhibits	0.3
12/2/2024	Communicating with clients RE Defendants supplemental discovery responses	1.25
12/2/2024	Emailing Bob Nelon and Kortney Nelson (paralegal) RE deposition transcripts	0.1
12/2/2024	Reviewing email from Kortney Nelson (paralegal) RE deposition transcripts	0.1
12/2/2024	Emailing Bob Nelon RE reply brief draft	0.1
12/2/2024	Reviewing Bob Nelon's suggested edits to reply brief	0.3
12/3/2024	Drafting motion in limine	2.75
12/3/2024	Exhibit & Witness List	1.5
12/3/2024	Communicating with opposing counsel RE issues viewing Defendants' trial exhibits	0.5
12/3/2024	Emailing clients RE Defendants' supplemental discovery responses	0.1
12/3/2024	Reviewing email from Natalie Hughes RE Defendants' supplemental discovery responses	0.2
12/3/2024	Reviewing Defendants' entry of appearance (Dkt. 44)	0.1
12/3/2024	Reviewing emails from Natalie Hughes RE trial strategy	0.3
12/3/2024	Reviewing email and attachment from Natalie Hughes RE: reply in support of MPI	0.3
12/3/2024	Reviewing Witness and Exhibit list filed by Defendants (Dkt. 45)	0.2
12/3/2024	Emailing draft motion in limine to Bob Nelon	0.1
12/3/2024	Reviewing email and attachment from Kory Kile RE Dan Isett ROG verification	0.1
12/3/2024	Reviewing email and attachment from Bob Nelon RE Motion in Limine	0.3
12/3/2024	Emailing opposing counsel RE Matt Langston subpoena response	0.1
12/4/2024	Drafting and finalizing reply brief and all exhibits	4.5
12/4/2024	Compiling exhibits for reply brief	4
12/4/2024	Reviewing email and attachments from Blythe Hicks RE Matt Langston subpoena response	0.2
12/4/2024	Email to Bob Nelon RE Plaintiffs' witness and exhibit list	0.1
12/4/2024	Reviewing email from Bob Nelon RE Plaintiffs' witness and exhibit list	0.1
12/4/2024	Emailing Natalie Hughes RE trial strategy	0.1
12/4/2024	Reviewing email from Natalie Hughes RE trial strategy	0.1
12/4/2024	Email and teams chat with Chip RE plaintiffs' exhibits	0.5
12/4/2024	Emailing Natalie Hughes and Dylan Brown RE trial strategy	0.1
12/4/2024	Reviewing email from Natalie Hughes (Dylan Brown copied) RE trial strategy	0.1
12/4/2024	Emailing Kortney Nelson RE Plaintiffs' Witness and Exhibit List	0.1
12/4/2024	Reviewing email from Kortney Nelson RE Plaintiffs' Witness and Exhibit List	0.1
12/4/2024	Emailing clients RE updates on filings	0.2
12/4/2024	Emailing opposing counsel RE Plaintiffs' Witness and Exhibit List & Plaintiffs' exhibits	0.1
12/4/2024	Reviewing email from Natalie Hughes RE trial strategy	0.1
12/4/2024	Reviewing email and attachment from Kory Kile RE Walters' ROG verification	0.1
12/5/2024	Communicating internally and with clerk's office re: courtesy copy of reply brief	1

12/5/2024	Conferring with clients and Chip RE preparing for trial	0.5
12/5/2024	Reviewing email from Bob Nelon RE trial prep	0.1
12/5/2024	Reviewing email from Natalie Hughes RE trial strategy	0.1
12/5/2024	Reviewing court order on motion in limine (Dkt. 49)	0.3
12/5/2024	Reviewing Defendants response to motion in limine	0.4
12/5/2024	Reviewing Defendants' objections to Plaintiffs' witness and exhibit list	0.3
12/6/2024	Reviewing email and attachments from Kory Kile RE trial subpoenas	0.2
12/6/2024	Communicating with clients and Chip and Bob RE trial subpoenas received from Defendants	1
12/6/2024	Reviewing Defs filings (dks 49-51); conferring with Chip and clients as to the same	1.25
12/6/2024	Correcting Plaintiffs' exhibits; emailing Court and opposing counsel	0.75
12/6/2024	Meeting with Chip and clients RE: settlement	0.9
12/6/2024	Emailing clients RE recent filings	0.1
12/6/2024	Emailing Kortney Nelson RE correcting witness & exhibit list	0.2
12/6/2024	Reviewing email from Kortney Nelson RE correcting witness & exhibit list	0.1
12/6/2024	Reviewing Defendants' filing (Dkt. 53)	0.2
12/6/2024	Emailing clients RE scheduling trial prep meeting	0.2
12/6/2024	Reviewing email from David Whaley RE settlement	0.1
12/6/2024	Reviewing and editing Chip's draft of objections to Defendants' witness and exhibit list	0.5
12/6/2024	Reviewing email from Bob Nelon RE trial strategy	0.1
12/6/2024	Drafting trial subpoenas for Walters and Isett	0.5
12/6/2024	Reviewing email from Bob Nelon RE settlement	0.1
12/6/2024	Emailing David Whaley RE settlement	0.1
12/7/2024	Conferring with Chip RE settlement & trial	0.75
12/8/2024	Conferring with Chip RE settlement & trial	1.25
12/8/2024	Emailing Bob Nelon and Kortney Nelson RE trial binders	0.1
12/8/2024	Reviewing email from Bob Nelon RE trial binders	0.1
12/9/2024	Prepping for trial - reviewing filings & discovery; preparing direct exam outlines & opening statement; additional legal research; trial binders	7.2
12/9/2024	Travel to OKC	4
12/9/2024	Reviewing email from Kortney Nelson RE trial binders	0.1
12/9/2024	Reviewing email from Kortney Nelson RE trial binders	0.1
12/9/2024	Emailing Kory Kile RE Defendants' trial exhibits	0.1
12/9/2024	Reviewing email from Kory Kile RE Defendants' trial exhibits	0.1
12/9/2024	Reviewing Court's Order on Motion in Limine (dkt 55)	0.5
12/9/2024	Emailing clients RE Dkt. 55	0.1
12/9/2024	Reviewing email from Dylan Brown RE trial prep	0.1
12/9/2024	Responding to email from Dylan Brown RE trial prep	0.1
12/9/2024	Reviewing email from Natalie Hughes RE settlement	0.1
12/9/2024	Responding to email from Natalie Hughes RE settlement	0.1
12/9/2024	Reviewing email from Bob Nelon RE Dkt. 55	0.1
12/9/2024	Reviewing email from David Whaley RE settlement	0.2
12/9/2024	Discussions with Chip over text and Teams RE settlement	0.5
12/10/2024	Meetings with clients RE preparing for trial; settlement discussions	5.1
12/10/2024	Prepping for trial - reviewing discovery; direct exam outlines; opening statement	3.25
12/10/2024	Settlement discussions with opposing counsel	1
12/10/2024	Reviewing email from Natalie Hughes RE trial prep	0.1
12/10/2024	Reviewing email from D. Wayne Lee RE Trial	0.1
12/10/2024	Drafting proposed Settlement Agreement	0.7
12/10/2024	Phone call with Bob Nelon RE settlement	0.3
12/11/2024	Prepping for trial - reviewing discovery; direct exam outlines; opening statement; discussions with Chip RE: strategy	1.5
12/11/2024	Trial/Settlement	3
12/11/2024	Client meeting RE: settlement & next steps	2.25
12/11/2024	Travel to AUS	8
12/17/2024	Emailing Michael Beason RE: payment of nominal damages	0.1
1/2/2025	Drafting Attorneys' fees motion	2.75
1/3/2025	Drafting Attorneys' fees motion	4
1/8/2025	Drafting Attorneys' fees motion	2.5
1/9/2025	Drafting Attorneys' fees motion	2.5
1/10/2025	Dafting Attorneys' fees motion & declaration	1.75
1/15/2025	Emailing Michael Beason RE: payment of nominal damages	0.1

1/15/2025	Emailing Natalie Hughes RE: Meeting with Dan Isett	0.1
1/21/2025	Drafting Attorneys Fees Motion & Declaration in Support	2.3
1/27/2025	Drafting Attorneys' Fees Motion and Declaration in Support	2.5
1/30/2025	Reviewing Bob's draft declaration and having discussion over email as to the same	0.8
1/30/2025	Drafting Attorneys' Fees Motion and Declaration in Support	2.6
1/31/2025	Reviewing Chip's draft declaration and having discussion over email as to the same	1
2/5/2025	Drafting Attorneys' Fees Motion and Declaration in Support	1
2/5/2025	Sending Attorneys' Fees Motion draft to Bob	0.1
2/6/2025	Reviewing Bob's edits to Attorneys' Fees Motion and updating Motion	0.9
2/9/2025	Drafting Attorneys Fees Motion & Declaration in Support; finalizing all exhibits to declarations	2.2
2/10/2025	Finalizing Attorneys' Fees Motion and filing	1.2
	TOTAL HOURS	321.2

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit B

IFS Costs Related to KFOR v. Walters, et al.			
Date	Description of Purchase	Cost	Exhibit to Corbello Affd.
9/23/2024	Courtney PHV Motion Fee	\$ 100.00	para. 11 Corbello Affd
9/23/2024	Chip PHV Motion Fee	\$ 100.00	para. 11 Corbello Affd
9/23/2024	UPS Receipt for Mailing hard copies to court	\$ 59.81	H
9/24/24 - 9/25/24	Courtney Hotel for TRO Hearing	\$ 267.31	C
9/24/24, 9/25/24	Courtney flights to & from TRO Hearing	\$ 628.96	C
9/24/2024	Courtney Lyft Ride from airport to hotel	\$ 29.09	C
9/24/24 - 9/25/24	Chip Hotel for TRO Hearing	\$ 267.55	C
9/24/24, 9/25/24	Chip flights to & from TRO Hearing	\$ 1,206.94	C
9/25/2024	Chip flight seat purchase	\$ 34.99	C
9/25/2024	Chip wifi purchase	\$ 8.00	C
9/25/2024	Chip Uber	\$ 55.08	C
10/8/2024	Transcript of TRO Hearing	\$ 262.15	G
11/18/24 - 11/20/24	Courtney Hotel for Depositions	\$ 273.48	D
11/18/2024	Courtney flight to depositions	\$ 194.98	D
11/20/2024	Courtney flight from depositions to Austin	\$ 402.41	D
11/18/2024 - 11/20/2024	Courtney rental car	\$ 94.31	D
11/21/2024	Chip Lyft from Airport to Hotel	\$ 25.98	D
11/21/24-11/22/24	Chip Hotel for Depositions	\$ 241.64	D
11/21/24-11/22/24	Chip flights to & from Depositions	\$ 777.95	D
11/22/2024	Chip Lyft from Hotel to Airport	\$ 27.99	D
11/25/2024	Video depositions of Ryan Walters and Dan Isett	\$ 875.00	F
11/25/2024	Transcript Copy of Ryan Walters Deposition	\$ 407.50	F
11/25/2024	Transcript Copy of Dan Isett Deposition	\$ 542.50	F
12/9/24 - 12/11/24	Courtney Hotel for Trial/Settlement	\$ 273.48	E
12/9/2024	Courtney flight to Trial/Settlement	\$ 93.98	E
12/9/24-12/11/24	Courtney Rental Car	\$ 95.60	E
12/11/2024	Courtney flights from Trial/Settlement to Austin	\$ 421.98	E
12/9/2024	Chip flight wifi purchase	\$ 9.95	E
12/9/24 - 12/11/24	Chip hotel for Trial/Settlement	\$ 273.48	E
12/9/24 - 12/11/24	Chip flights to & from Trial/Settlement	\$ 797.95	E
1/24/2025	Transcript Copy of Dylan Brown Deposition	\$ 139.60	F
1/24/2025	Transcript Copies of Kevin Josefy & Gage Shaw Depositions	\$ 555.90	F
		\$ 9,545.54	

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit C



SKIRVIN HILTON
 1000 AVENUE
 OKLAHOMA CITY, OK 73102
 United States of America
 TELEPHONE 405-272-3040 • FAX 405-272-5160
 Reservations
 www.hilton.com or 1 800 HILTONS

CORBELLO, COURTNEY

[REDACTED]

[REDACTED]

UNITED STATES OF AMERICA

Room No: 1221/D2D
 Arrival Date: 9/24/2024 2:43:00 PM
 Departure Date: 9/25/2024 8:25:00 AM
 Adult/Child: 1/0
 Cashier ID: MPLANK2
 Room Rate: 234.06
 AL:
 HH # [REDACTED] BLUE
 VAT #
 Folio No/Che 1024248 A

Confirmation Number: 3147467473

SKIRVIN HILTON 9/25/2024 8:24:00 AM

DATE	DESCRIPTION	ID	REF NO	CHARGES	CREDIT	BALANCE
9/24/2024	PANTRY- PRINGLES	SADLEY1	4528184	[REDACTED]		
9/24/2024	LOCAL SALES TAX	SADLEY1	4528184	\$0.19		
9/24/2024	GUEST ROOM	SADLEY1	4528277	\$234.06		
9/24/2024	STATE TAX	SADLEY1	4528277	\$20.19		
9/24/2024	CITY OCCUPANCY TAX	SADLEY1	4528277	\$12.87		
9/25/2024	*IRD	LINTR	4528510	\$29.86		
9/25/2024	VS *5647	MPLANK2	4528550		(\$301.77)	
BALANCE						\$0.00

EXPENSE REPORT SUMMARY

	9/24/2024	9/25/2024	STAY TOTAL
ROOM AND TAX	\$267.12	\$0.00	\$267.12
FOOD AND BEVERAGE	\$0.00	\$29.86	\$29.86
MISCELLANEOUS	\$4.60	\$0.00	\$4.60
OTHER	\$0.19	\$0.00	\$0.19
DAILY TOTAL	\$271.91	\$29.86	\$301.77

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Thank you for choosing Hilton. You'll get more when you book directly with us - more destinations, more points, and more value. Book your next stay at hilton.com.

CREDIT CARD DETAIL

APPR CODE	09414G	MERCHANT ID	8040856489
CARD NUMBER	VS *5647	EXP DATE	10/28
TRANSACTION ID	4528550	TRANS TYPE	Sale



Courtney Corbello [Redacted]

You're going to Oklahoma City on 09/24 (2KIH7M)!

Southwest Airlines <southwestairlines@ifly.southwest.com>
Reply-To: Southwest Airlines <no-reply@ifly.southwest.com>
To: [Redacted]

Tue, Sep 24, 2024 at 9:31 AM

Here's your itinerary & receipt. See ya soon!
[View in web browser](#) | [View our mobile site](#)



[Manage Flight](#) | [Flight Status](#) | [My Account](#)

! Travel notice

REAL ID Requirement: Do you have a REAL ID? Beginning May 7, 2025, you will need a state-issued REAL ID compliant license or identification card, or another acceptable form of ID (such as a U.S. Passport), to fly within the United States. Visit www.tsa.gov for a list of acceptable forms of ID and additional information regarding REAL ID requirement.



Hi Courtney Brooke,

We're looking forward to flying together! It can't come soon enough. Below you'll find your itinerary, important travel information, and trip receipt. See you onboard soon!

SEPTEMBER 24 - SEPTEMBER 25

AUS ✈️ OKC

Austin to Oklahoma City

Confirmation # **2KIH7M**

Confirmation date: 09/24/2024

PASSENGER	Courtney Brooke Corbello
RAPID REWARDS #	[Redacted]
TICKET #	5262563505306
EST. POINTS EARNED	3,290


Rapid Rewards® points are only estimations. Cash + Points bookings will not earn Rapid Rewards points, tier qualifying points for A-List or A-List preferred status or Companion Pass qualifying points.

Your itinerary

Flight 1: Tuesday, 09/24/2024 Est. Travel Time: 3h 30m Wanna Get Away®

	DEPARTS		ARRIVES
FLIGHT # 2446	AUS 06:50PM		HOU 07:50PM
	Austin		Houston (Hobby)

Stop:  Change planes

	DEPARTS		ARRIVES
FLIGHT # 3853	HOU 08:50PM		OKC 10:20PM
	Houston (Hobby)		Oklahoma City

Flight 2: Wednesday, 09/25/2024 Est. Travel Time: 1h 15m Wanna Get Away®

	DEPARTS		ARRIVES
FLIGHT # 4659	OKC 02:45PM		AUS 04:00PM
	Oklahoma City		Austin

Payment information

Total cost

Air - 2KIH7M		
Base Fare	\$	548.15
U.S. Transportation Tax	\$	41.11
U.S. 9/11 Security Fee	\$	11.20
U.S. Flight Segment Tax	\$	15.00
U.S. Passenger Facility Chg	\$	13.50
Total	\$	628.96

Payment

September 24, 2024
Payment Amount **\$628.96**
 Visa ending in 5647

Fare rules: If you decide to make a change to your current itinerary it may result in a fare increase.

Your ticket number : 5262563505306

All your perks, all in one place. (Plus a few reminders.)



Wanna Get Away® fare: Your two bags fly free®, no change or cancel fees, 6X Rapid Rewards® points, and free same-day standby (taxes and fees may apply but refunds will be provided). [Learn more.](#)






Make sure you know [when to arrive at your airport](#). Times vary by city.



If your plans change, cancel your reservation at least 10 minutes before the original scheduled departure time of your flight to receive a flight credit. If you don't cancel your reservation in time, your funds will be forfeited.

Prepare for takeoff

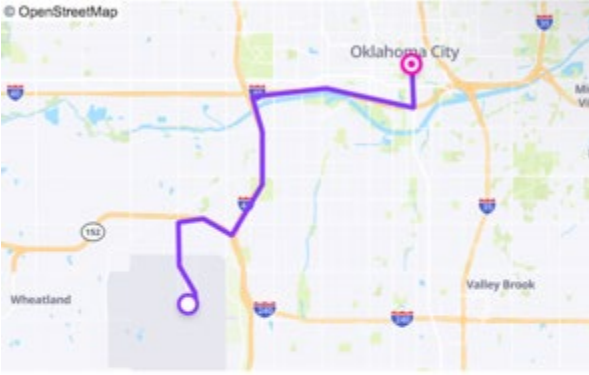
10:44   

<

Trip

Sep 24, 2024, 10:10 PM • 10.8 miles • 15 min

© OpenStreetMap



TNC Pickup
Oklahoma City, OK 73159


Pickup
10:10 PM

The Skirvin Hilton Oklahoma City
Oklahoma City, OK 73102

Drop-off
10:26 PM

Payment

Lyft fare (10.8 mi, 15m)	\$19.72
Priority Pickup Upgrade	\$4.52
Tip	\$4.85

 **Visa *5647** **\$29.09**
Total charge



SKIRVIN HILTON
 1000 AVENUE
 OKLAHOMA CITY, OK 73102
 United States of America
 TELEPHONE 405-272-3040 • FAX 405-272-5160
 Reservations
 www.hilton.com or 1 800 HILTONS

Miller, Charles
 [REDACTED]
 [REDACTED]
 UNITED STATES OF AMERICA

Room No: 810/K1
 Arrival Date: 9/24/2024 12:17:00 PM
 Departure Date: 9/25/2024 10:27:00 AM
 Adult/Child: 1/0
 Cashier ID: KAHUG
 Room Rate: 234.06
 AL:
 HH # [REDACTED]
 VAT #
 Folio No/Che 1024254 A

Confirmation Number: 3139016311

SKIRVIN HILTON 9/25/2024 10:26:00 AM

DATE	DESCRIPTION	ID	REF NO	CHARGES	CREDIT	BALANCE
9/24/2024	*THE RED PIANO	LINTR	4528192	[REDACTED]		
9/24/2024	GUEST ROOM	SADLEY1	4528408	\$234.06		
9/24/2024	STATE TAX	SADLEY1	4528408	\$20.19		
9/24/2024	CITY OCCUPANCY TAX	SADLEY1	4528408	\$12.87		
9/25/2024	PANTRY FOOD- YOGURT PARFAIT	MPLANK2	4528549	[REDACTED]		
9/25/2024	STATE SALES TAX	MPLANK2	4528549	\$0.43		
9/25/2024	VS *7491	KAHUG	4528711		(\$301.93)	
BALANCE						\$0.00

EXPENSE REPORT SUMMARY

	9/24/2024	9/25/2024	STAY TOTAL
ROOM AND TAX	\$267.12	\$0.00	\$267.12
FOOD AND BEVERAGE	\$29.43	\$0.00	\$29.43
MISCELLANEOUS	\$0.00	\$4.95	\$4.95
OTHER	\$0.00	\$0.43	\$0.43
DAILY TOTAL	\$296.55	\$5.38	\$301.93

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Thank you for choosing Hilton. You'll get more when you book directly with us - more destinations, more points, and more value. Book your next stay at hilton.com.

CREDIT CARD DETAIL

APPR CODE	01686G	MERCHANT ID	8040856489
CARD NUMBER	VS *7491	EXP DATE	10/28
TRANSACTION ID	4528711	TRANS TYPE	Sale

From: [United Airlines](#)
To: [Charles Miller](#)
Subject: Your United Airlines booking confirmation – FBJN7Y
Date: Tuesday, September 24, 2024 10:32:54 AM

United Airlines



<!--[if gte mso]>
<![endif]-->

Thanks Charles for choosing United!

Confirmation number: FBJN7Y

<!--[if gte mso]>

<![endif]-->

You'll receive a second email with your receipt once we're done processing your reservation. If you don't receive your receipt with 24 hours, [contact us](#) .

<!--[if gte mso]>

<![endif]-->

[Manage my trip](#)

Purchase summary

Fare	\$934.66
Taxes and Fees	\$119.30
Premium add-ons	\$152.98
Total	\$1,206.94

Credit card payment: \$1,206.94 (Visa **7491)

<!--[if gte mso]>

<![endif]-->

Flight to Oklahoma City

Sep 24, 2024

1 Connection

Change of Terminal

5:56 PM

6:20 PM

CVG ----- 1h 24m ----- **ORD**

Cincinnati, OH, US Chicago, IL, US

FLIGHT INFO

Duration: 1h 24m
UA 345
Boeing 737 MAX 8
United Economy
Meals are not offered for this flight

CONNECTION:

7:35 PM

10:00 PM

ORD ----- 2h 25m ----- **OKC**

Chicago, IL, US Oklahoma City, OK, US

FLIGHT INFO

Duration: 2h 25m
UA 5635 Operated by SkyWest dba United Express
Embraer 175
United Economy
Snacks for Purchase

<!--[if gte mso]>

<![endif]-->

Flight to Cincinnati

Sep 25, 2024

1 Connection

Change of Terminal

3:35 PM

5:12 PM

OKC ----- 1h 37m ----- IAH

Oklahoma City, OK, US

Houston, TX, US

FLIGHT INFO

Duration: 1h 37m

UA 4871 Operated by CommuteAir dba United Express

Embraer RJ145

United Economy

Meals are not offered for this flight

CONNECTION:

6:20 PM

9:46 PM

IAH ----- 2h 26m ----- CVG

Houston, TX, US

Cincinnati, OH, US

FLIGHT INFO

Duration: 2h 26m

UA 241

Airbus A319

United Economy

Snacks for Purchase

<!--[if gte mso]>

<![endif]-->

Travelers

Charles Miller

Email: cm***er@ifs.org

Phone number: *****5657

Frequent flyer: UA-****746

Known Traveler/Pass ID: *****

Seats:

CVG to ORD: 7A

Economy Plus®

ORD to OKC: 8D

Economy Plus®

OKC to IAH: 5C

Preferred Seat

IAH to CVG: 8A

Economy Plus®

<!--[if gte mso]>

<![endif]-->

Calculate bag charges

FLIGHT	FIRST BAG	SECOND BAG	WEIGHT PER BAG
Cincinnati, OH, US (CVG) to Oklahoma City, OK, US (OKC) September 24, 2024	\$40/per traveler	\$50/per traveler	50 (23kg)
Oklahoma City, OK, US (OKC) to Cincinnati, OH, US (CVG) September 25, 2024	\$40/per traveler	\$50/per traveler	50 (23kg)

<!--[if gte mso]>

<![endif]-->

These are estimates of additional bag service charges that may apply to your itinerary. Service charges may vary by traveler, depending on status or memberships. First and second bag service charges do not apply to active duty members of the U.S military and their accompanying dependents. For additional information, visit united.com/baggage.

<!--[if gte mso]>

<![endif]-->



Carry-on baggage allowed

From: [United Airlines](#)
To: [Charles Miller](#)
Subject: Thanks for your purchase with United
Date: Wednesday, September 25, 2024 12:30:49 PM



Wed, Sep 25, 2024

Thank you for choosing United.

A receipt of your purchase is shown below. Please retain this email receipt for your records.

Flight 1 of 1 UA5812

Wed, Sep 25, 2024
Oklahoma City, OK, US (OKC)

Wed, Sep 25, 2024
Houston, TX, US (IAH)

Flight Operated by SKYWEST DBA UNITED EXPRESS.

Traveler Details

MILLER/CHARLESM
Economy Plus Seat (0164436396729)

eTicket number: **0162423152828**
OKC-IAH

Purchase Summary

Method of payment:
Date of purchase:

Master Card ending in 1722
Wed, Sep 25, 2024

Economy Plus Seat (Reference Number: 0164436396729):

34.99

Total:

34.99 USD

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To: [REDACTED]
Subject: Thanks for your purchase with United
Date: Wednesday, September 25, 2024 7:04:34 PM



Wed, Sep 25, 2024

Thank you for choosing United.

A receipt of your purchase is shown below. Please retain this email receipt for your records.

Flight 1 of 1 UA241

Wed, Sep 25, 2024
Houston, TX, US (IAH)

Wed, Sep 25, 2024
Cincinnati, OH, US (CVG)

Traveler Details

MILLER/CHARLES
Inflight Wi-Fi Messaging To Premium Full Flight Upgrade (0164436499528) **IAH-CVG**

Purchase Summary

Method of payment: **Visa ending in 7491**
Date of purchase: **Wed, Sep 25, 2024**

Inflight Wi-Fi Messaging To Premium Full Flight Upgrade
(Reference Number: 0164436499528): **8.00**

Total: 8.00 USD



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E-mail Information

Please do not reply to this message using the "reply" address.
The information contained in this email is intended for the original recipient only.

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[View our Legal Notices](#)



September 24, 2024

Thanks for tipping, Charles


Here's your updated Tuesday evening ride receipt.

Total	\$55.08
--------------	----------------

Trip fare	\$40.23
-----------	---------

Subtotal	\$40.23
Booking Fee	\$3.67
OKC Pickup Fee	\$2.00
Tip	\$9.18

Payments

 IFS ****7491	\$55.08
9/24/24 10:54 PM	

[Visit the trip page](#) for more information, including invoices (where available)

You rode with FARID

UberX 10.86 miles | 15 min

■ 10:29 PM | 7100 Terminal Dr, Oklahoma City, OK 73159, US
|
■ 10:44 PM | 1 Park Ave, Oklahoma City, OK 73102, US

Fare does not include fees that may be charged by your bank. Please contact your bank directly for inquiries.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit D

Mrs Courtney Corbello



Invoice

Room No. 1610
 Arrival 2024-11-18
 Departure 2024-11-20
 Folio No.
 Invoice No.
 Cashier No.
 User Name
 Date 2024-12-16

Date	Description	Debit	Credit
Mon 18 Nov	Park Grounds Coffee Shop		
Mon 18 Nov	Valet Overnight		
Mon 18 Nov	Room Charge	116.00	
Mon 18 Nov	4.50% State Sales Tax	5.22	
Mon 18 Nov	4.125% City Sales Tax	4.79	
Mon 18 Nov	9.25% City Occupancy Tax	10.73	
Tue 19 Nov	OKC Tap House Lunch		
Tue 19 Nov	Bob's Dinner		
Tue 19 Nov	Valet Overnight		
Tue 19 Nov	Room Charge	116.00	
Tue 19 Nov	4.50% State Sales Tax	5.22	
Tue 19 Nov	4.125% City Sales Tax	4.79	
Tue 19 Nov	9.25% City Occupancy Tax	10.73	
Wed 20 Nov	Visa		-476.83
Total		476.83	476.83
Balance Due			0.00

We hope that you have enjoyed your stay and look forward to seeing you again in the near future

Omni Oklahoma City Hotel

©2024 Omni Hotels & Resorts

a: 100 Oklahoma City Blvd, Oklahoma City, OK, 73109

t: 405-438-6500

e: reservations@omnihotels.com

w: www.omnihotels.com



My Account

2024 Rapid Rewards® Qualifying Transactions

Hi, Courtney

RR# [REDACTED]

A-List through 12/31/2025

Available Credits

\$203.48

Available Points

48,271

Past flight details

The receipt information below does not include any add ons during purchase, flight changes, flight cancellations, or in-flight purchases.

NOV 18 2024 Austin, TX to Oklahoma City, OK
Confirmation #37Y65A

Summary

PASSENGER	POINTS EARNED	FARE TOTAL
Courtney Brooke Corbello	+1,255PTS	\$194.98

Pricing Details

ROUTING	DATE	FARE TYPE	POINTS EARNED	FARE
AUS to OKC	11/18/2024	Wanna Get Away	+1,255PTS	\$167.33
TAXES & FEES				\$27.65
TOTAL				\$194.98
TOTAL POINTS EARNED				+1,255PTS

Where's my inflight total? [icon]

Rebook Flight

Print

Courtney Corbello

From: Courtney Corbello [REDACTED]
Sent: Wednesday, November 20, 2024 1:17 PM
To: Courtney Corbello
Subject: Fwd: Your trip confirmation (OKC - AUS)

----- Forwarded message -----



From: American Airlines <no-reply@info.email.aa.com>
Date: Wed, Nov 20, 2024 at 12:10 PM
Subject: Your trip confirmation (OKC - AUS)
To: [REDACTED]





Your trip confirmation and receipt

Confirmation code: **QCOCRO**

Wednesday, November 20, 2024

	OKC Oklahoma City 2:36 PM	AA 2253 
	DFW Dallas/Fort Worth 3:45 PM	Seat: 9E Class: Economy (L) Meals:

	<p>DFW Dallas/Fort Worth 5:30 PM</p>	<p>AA 857 </p>
<p>AUS Austin 6:40 PM</p>	<p>Seat: 16E Class: Economy (L) Meals:</p>	<div style="border: 1px solid #0056b3; padding: 5px; display: inline-block;"> <p>Manage your trip</p> </div>

Find the card that earns you more miles
[Learn more](#)



Your purchase

Courtney Corbello - AAdvantage® #: 1FK****

New ticket (0012192897653)	\$328.98
[\$283.14 + Taxes & carrier-imposed fees \$45.84]	
Main Cabin Extra (OKC-DFW)	\$35.35
Document #: (0010614555871)	
[\$32.88 + Taxes & carrier-imposed fees \$2.47]	
Main Cabin Extra (DFW-AUS)	\$38.08
Document #: (0010614555871)	
[\$35.42 + Taxes & carrier-imposed fees \$2.66]	
Total cost	\$402.41

Your payment

Trip Credit (ending 7012)	\$221.98
Visa (ending 5647)	\$180.43
Total paid	\$402.41



Bag information

Checked Bag (Airport)

1st bag \$40.00

2nd bag \$45.00

Checked Bag (Online*)

1st bag \$35.00

2nd bag \$45.00

Maximum dimensions: 62 inches or 158 centimeters calculated as (length + width + height)

Maximum weight: 50 pounds or 23 kilograms

Bag fees apply at each Check-in location. Additional allowances and/or discounts may apply. For information regarding American Airlines checked baggage policies, please visit: [Bag and optional fees](#)

If your flight is operated by a partner airline, see the [other airline's](#) website for carry-on and checked bag policies.

*Online payment available beginning 24 hours (and up to 4 hours) before departure.

Carry-on bags (American Airlines)

Personal item A small purse, briefcase, laptop bag, or similar item that must fit under the seat in front of you.

Carry-on Maximum dimensions must not to exceed: 22" long x 14" wide x 9" tall (56 x 35 x 23 cm).



[Book a hotel »](#)



[Buy trip insurance »](#)



[Book a car »](#)



[Vacations »](#)



We are proud to feature a 100% smoke-free fleet!

RENTAL AGREEMENT NUMBER: 301278751

RECEIPT

Your Information

Customer Name: COURTNEY CORBELLO
Wizard Number: ***567
Avis Worldwide Discount: OFFICE OF ATTORNEY GENERAL
Customer Status: PREFERRED/POINTS
Method of Payment: VISA XX2957
AUTH: 03032D

Your Vehicle Information

Vehicle Number: 54775910
Vehicle Group Rented: Intermediate SUV
Vehicle Group Charged: Intermediate
Vehicle Description: WHI FORD ESCAPE 4WD
License Plate Number: TXVBK8288
Odometer Out: 16819
Odometer In: 16844
Total Driven: 25
Fuel Reading: Out 15.9 Gall In 16.4 Gal

Your Rental

Pickup Date/Time: NOV 18, 2024@3:37PM
Pickup Location: 5201 S MERIDIAN AVE QTA 1
WILL ROGERS WORLD AIRPORT
OKLAHOMA CITY, OK, 73119, US
405-680-1901

Return Date/Time: NOV 20, 2024@12:37PM
Return Location: 5201 S MERIDIAN AVE QTA 1
WILL ROGERS WORLD AIRPORT
OKLAHOMA CITY, OK, 73119, US
405-680-1901

Additional fees may apply if changes are made to your return date, time and/or location.

Your Vehicle Charges (MIN 1 DAY)

Table with columns: Rate Chart, Free Miles, Time and Mileage. Includes rows for Miles (UNLIMITED), Hourly (25.51), Daily (34.00), Ad'l day (0.00), Weekly (170.00), Monthly (680.00), and Your Discount (2 Ad'l Day @ 34.00 = 68.00).

Your Optional Products/Services

Table with columns: Product/Service, Rate. Includes rows for LDW (3.880/GAL) and Fuel Service (0.00).

Your Taxable Fees

Table with columns: Fee Description, Amount. Includes rows for 11.11% Concession Recovery Fee (7.55) and Sub-total-Charges (75.55).

Your Non-Taxable Products/Services

Table with columns: Product/Service, Amount. Includes row for CUST. FACILITY CHARGE 4.50/D (9.00).

Summary table with columns: Description, Amount. Includes rows for Your Total Charges (95.60), On The Road Expenses (-)1.29, and Prepayment (0.00).

Final summary table with columns: Description, Amount. Includes rows for Net Charges (USD 94.31) and Your Total Due (0.00).

Thank you for renting with Avis. For all other inquiries, please contact us at 1-800-352-7900 or www.Avis.com.



Date of Purchase: Nov 06, 2024

Flight Receipt for Cincinnati, OH to Atlanta, GA

PASSENGER INFORMATION

CHARLES M MILLER
 SkyMiles Number: [REDACTED]

Confirmation Number: GHH9TH
 Ticket Number: 0062281160086

FLIGHT INFORMATION

Date and Flight	Status	Class	Seat/Cabin
CVG>ATL Thu 21Nov2024 DL 3149	FLWN	W	
ATL>OKC Thu 21Nov2024 DL 2862	FLWN	W	
OKC>ATL Fri 22Nov2024 DL 2862	FLWN	W	
ATL>CVG Fri 22Nov2024 DL 2395	FLWN	K	

DETAILED CHARGES

Air Transportation Charges

Base Fare: \$677.91 USD

Taxes, Fees & Charges:

United States - September 11th Security Fee(Passenger Civil Aviation Security Service Fee) (AY)	\$11.20 USD
United States - Transportation Tax (US)	\$50.84 USD
United States - Passenger Facility Charge (XF)	\$18.00 USD
United States - Flight Segment Tax (ZP)	\$20.00 USD

Total Price: \$777.95 USD

Balance Information

Total Ticket Price Difference:	USD380.38 USD
Service Charge:	USD0.00 USD
Balance Paid:	USD380.38 USD

Paid with American Express *****2008

Applied ECredit (0060213711571,0064110068622,0064117691119) \$397.57

Paid with American Express *****2008

\$380.38

KEY OF TERMS

- Arrival date different than departure date
** - Check-in required
***- Multiple meals
*S\$ - Multiple seats
AR - Arrives
B - Breakfast
C - Bagels / Beverages
D - Dinner

F - Food available for purchase
L - Lunch
LV - Departs
M - Movie
R - Refreshments, complimentary
S - Snack
T - Cold meal
V - Snacks for sale

Check your flight information online at delta.com or call the Delta Flightline at 800.325.1999.

Baggage and check-in requirements vary by airport and airline, so please check with the operating carrier on your ticket.

Please review Delta's [check-in requirements](#) and [baggage guidelines for details](#).

You must be checked in and at the gate at least 15 minutes before your scheduled departure time for travel inside the United States.

You must be checked in and at the gate at least 45 minutes before your scheduled departure time for international travel.

For tips on flying safely with laptops, cell phones, and other battery-powered devices, please visit [Flying safely government guild](#).

Do you have comments about service? Please [email](#) us to share them.

NON-REFUNDABLE / CHANGE FEE

When using certain vouchers to purchase tickets, remaining credits may not be refunded. Additional charges and/or credits may apply and are displayed in the sections below.

This ticket is non-refundable unless issued at a fully refundable fare. Any change to your itinerary may require payment of a change fee and increased fare. Failure to appear for any flight without notice to Delta will result in cancellation of your remaining reservation.

All Preferred, Delta Comfort+™, First Class, and Delta One seat purchases are Nonrefundable.

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- [Limits on our liability](#) for personal injury or death of passengers, and for loss, damage of delay of goods and baggage.
- [Claim restrictions](#) including time periods within which you must file a claim or bring action against us.
- Our right to [change terms](#) of the contract.
- [Check-in requirements](#) and other rules established when we may [refuse carriage](#).

- Our rights and limits of our liability for [delay of failure to perform service](#) , including schedule change, substitution of alternative air carriers or aircraft, and rerouting.
- Our policy on [overbooking flights](#) , and your rights if we deny you boarding due to an oversold flight.

These terms are incorporated by reference into our contract with you. You may view these [conditions of carriage](#) on delta.com, or by requesting a copy from Delta.

You have received this email because you elected to receive your Electronic Ticket receipt sent to you via email. If you would like to take advantage of other Delta email programs featuring special fare, promotions, information and flight updates, please visit [Delta News & Special Offers](#) or [Delta notifications](#).

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The National, Autograph Collection
 120 North Robinson Avenue
 Oklahoma City, OK 73102
 United States Of America
 Tel: 405-724-8818



AUTOGRAPH COLLECTION®
 HOTELS

CHARLES MILLER

Page Number : 1
 Guest Number : 176014
 Folio ID : A
 Arrive Date : 21-NOV-24 18:59
 Depart Date : 22-NOV-24
 No. Of Guest : 1
 Room Number : 309
 Marriott Bonvoy Number : [REDACTED]

Information Invoice

The National OKCAD NOV-22-2024 04:50 9999

Date	Reference	Description	Charges (USD)	Credits (USD)
21-NOV-24	2398	[REDACTED]	[REDACTED]	
21-NOV-24	RT309	Room Chrg - Standard Retail	205.00	
21-NOV-24	RT309	Sales Tax 8.625%	17.68	
21-NOV-24	RT309	Occupancy Tax 9.25%	18.96	
NOV-22-2024	VI	Visa		-343.57
		** Total	343.57	-343.57
		*** Balance	0.00	

Continued on the next page

The National, Autograph Collection
120 North Robinson Avenue
Oklahoma City, OK 73102
United States Of America
Tel: 405-724-8818



AUTOGRAPH COLLECTION®
HOTELS

CHARLES MILLER

Page Number : 2
Guest Number : 176014
Folio ID : A
Arrive Date : 21-NOV-24 18:59
Depart Date : 22-NOV-24
No. Of Guest : 1
Room Number : 309
Marriott Bonvoy Number : [REDACTED]

For your convenience, we have prepared this zero-balance folio indicating a \$0 balance on your account. Please be advised that any charges not reflected on this folio will be charged to the credit card on file with the hotel. While this folio reflects a \$0 balance, your credit card may not be charged until after your departure. You are ultimately responsible for paying all of your folio charges in full.

See our "Privacy & Cookie Statement" on [Marriott.com](https://www.marriott.com)

9:26 5G

Trip

Nov 21, 2024, 6:21PM • 9.9 miles • 32 min

© OpenStreetMap

TNC Pickup
Oklahoma City, OK 73159
Pickup
6:21PM




Autograph Collection Hotels
Oklahoma City, OK 73102
Drop-off
6:53 PM


Payment

Lyft Standard fare (9.9 mi, 32m)	\$20.78
Tip	\$5.20
VISA Visa *7491 Total charge	\$25.98

Personal
Visa *7491


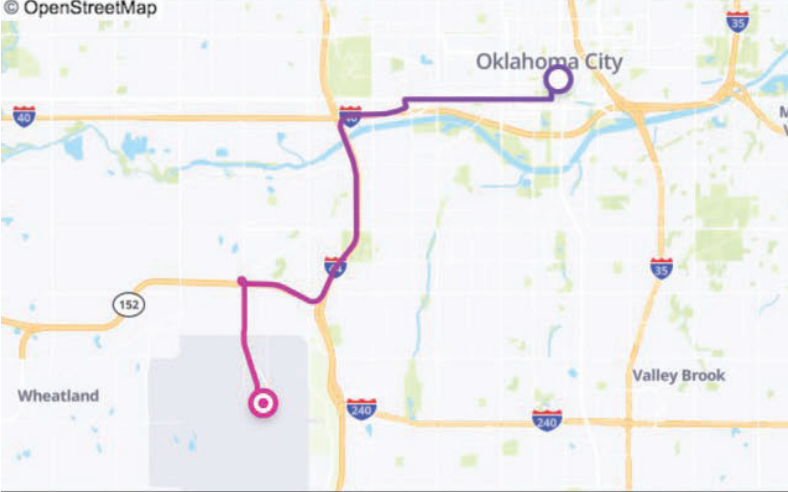
Your payment method has already been charged. Changing profiles will not affect the payment method used.



9:26   5G 




Trip



Nov 22, 2024, 2:01PM • 10.3 miles • 21 min

	Red Piano Lounge Oklahoma City, OK 73102	Pickup 2:01PM
	Delta Oklahoma City, OK 73159	Drop-off 2:23 PM

Payment

Extra Comfort fare (10.3 mi, 21m)	\$22.39
Tip	\$5.60
 Visa *7491 Total charge	\$27.99

 **Personal** 
Visa *7491

Your payment method has already been charged. Changing profiles will not affect the payment method used.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit E



Mrs Courtney Corbello

[Redacted Address]

United States

INVOICE

Membership No : [Redacted]

A/R Number :

Company Name :

Room No. : 1501
 Arrival : 12/09/24
 Departure : 12/11/24
 Folio No. : 251502
 Conf. No. : 14231845
 Cashier No. : 9588
 Custom Ref. :
 Page No. : 1 of 1

Date	Description	Charges	Payment
12/09/24	Basin Bar Dinner Check#2239920	[Redacted]	
12/09/24	Room Charge	116.00	
12/09/24	4.50% State Sales Tax	5.22	
12/09/24	4.125% City Sales Tax	4.79	
12/09/24	9.25% City Occupancy Tax	10.73	
12/10/24	Room Charge	116.00	
12/10/24	4.50% State Sales Tax	5.22	
12/10/24	4.125% City Sales Tax	4.79	
12/10/24	9.25% City Occupancy Tax	10.73	
12/11/24	Visa XXXXXXXXXXXX7491		309.02
Total		309.02	309.02
Balance			0.00

Thank you for staying at Omni Hotels & Resorts



Courtney Corbello <[REDACTED]>

You're going to Oklahoma City on 12/09 (254TF4)!

2 messages

Southwest Airlines <southwestairlines@ifly.southwest.com>
Reply-To: Southwest Airlines <no-reply@ifly.southwest.com>
To: [REDACTED]

Wed, Oct 9, 2024 at 11:35 AM

Here's your itinerary & receipt. See ya soon!
[View in web browser](#) | [View our mobile site](#)



[Manage Flight](#) | [Flight Status](#) | [My Account](#)

! Travel notice

REAL ID Requirement: Do you have a REAL ID? Beginning May 7, 2025, you will need a state-issued REAL ID compliant license or identification card, or another acceptable form of ID (such as a U.S. Passport), to fly within the United States. Visit www.tsa.gov for a list of acceptable forms of ID and additional information regarding REAL ID requirement.



Hi Courtney Brooke,

We're looking forward to flying together! It can't come soon enough. Below you'll find your itinerary, important travel information, and trip receipt. See you onboard soon!

DECEMBER 9

AUS ✈️ OKC

Austin to Oklahoma City

Confirmation # **254TF4**

Confirmation date: 10/09/2024

PASSENGER	Courtney Brooke Corbello
RAPID REWARDS #	[REDACTED]
TICKET #	5262569521531
EST. POINTS EARNED	441

Rapid Rewards® points are only estimations. Cash + Points bookings will not earn Rapid Rewards points, tier qualifying points for A-List or A-List preferred status or Companion Pass qualifying points.


Your itinerary

Flight: Monday, 12/09/2024 Est. Travel Time: 1h 20m Wanna Get Away®

FLIGHT # 0198

DEPARTS
AUS 02:00PM
 Austin

ARRIVES

 **OKC 03:20PM**
 Oklahoma City

Payment information

Total cost

Air - 254TF4		
Base Fare	\$	73.38
U.S. Transportation Tax	\$	5.50
U.S. 9/11 Security Fee	\$	5.60
U.S. Flight Segment Tax	\$	5.00
U.S. Passenger Facility Chg	\$	4.50
Total	\$	93.98

Payment

October 9, 2024
Payment Amount **\$93.98**
 Visa ending in 5647

Fare rules: If you decide to make a change to your current itinerary it may result in a fare increase.

Your ticket number : 5262569521531

All your perks, all in one place. (Plus a few reminders.)



Wanna Get Away® fare: Your two bags fly free®, no change or cancel fees, 6X Rapid Rewards® points, and free same-day standby (taxes and fees may apply but refunds will be provided). [Learn more.](#)



Make sure you know [when to arrive at your airport](#). Times vary by city.



If your plans change, cancel your reservation at least 10 minutes before the original scheduled departure time of your flight to receive a flight credit. If you don't cancel your reservation in time, your funds will be forfeited.

Prepare for takeoff

Use our app to make changes to your trip, get a boarding pass, & more.



Earn up to 2,400 Rapid Rewards® points.

Plus save up to 30% off base rates with Budget®.



Book car >



My Account

Southwest's transformational journey: [See what's new, next, and coming soon.](#)

Hi, Courtney

RR# [REDACTED]

A-List through 12/31/2025

Available Credits

\$0.00

Available Points

6,518

Past flight details

The receipt information below does not include any add ons during purchase, flight changes, flight cancellations, or in-flight purchases.

DEC
11
 2024

Oklahoma City, OK to Austin, TX
 Confirmation #3LO7OL

Summary

PASSENGER	POINTS EARNED	FARE TOTAL
Courtney Brooke Corbello	+4,621PTS	\$421.98

Pricing Details

ROUTING	DATE	FARE TYPE	POINTS EARNED	
OKC to AUS	12/11/2024	Anytime	+4,621PTS	
				FARE
				\$369.66
				TAXES & FEES ⓘ
				\$52.32
				TOTAL
				\$421.98
				TOTAL POINTS EARNED
				+4,621PTS

[Where's my inflight total?](#) ⓘ

[Rebook Flight](#)

[Print](#)



We are proud to feature a 100% smoke-free fleet!

RENTAL AGREEMENT NUMBER: 301313471

RECEIPT

Your Information

Customer Name: COURTNEY CORBELLO
Wizard Number: ***567
Avis Worldwide Discount: OFFICE OF ATTORNEY GENERAL
Customer Status: PREFERRED/POINTS
Method of Payment: VISA XX2957
AUTH: 04042D

Your Vehicle Information

Vehicle Number: 53760906
Vehicle Group Rented: Luxury
Vehicle Group Charged: Intermediate
Vehicle Description: GRY HYUNDAI GENESIS G70 AWD
License Plate Number: TXTKW7207
Odometer Out: 31001
Odometer In: 31064
Total Driven: 63
Fuel Reading: Out 15.7 Gall In15.6 Gal

Your Rental

Pickup Date/Time: DEC 09, 2024@2:45PM
Pickup Location: 5201 S MERIDIAN AVE QTA 1
WILL ROGERS WORLD AIRPORT
OKLAHOMA CITY, OK, 73119, US
405-680-1901

Return Date/Time: DEC 11, 2024@2:17PM
Return Location: 5201 S MERIDIAN AVE QTA 1
WILL ROGERS WORLD AIRPORT
OKLAHOMA CITY, OK, 73119, US
405-680-1901

Additional fees may apply if changes are made to your return date, time and/or location.

Your Vehicle Charges (MIN 1 DAY)

Table with columns: Rate Chart, Free Miles, Time and Mileage. Includes rows for Miles (UNLIMITED), Hourly (25.51), Daily (34.00), Ad'l day (0.00), Weekly (170.00), Monthly (680.00) and Time and Mileage (2 Ad'l Day @ 34.00 = 68.00).

Your Optional Products/Services

Table with columns: Product/Service, Price. Includes rows for LDW (3.880/GAL) and Optional Services Total (0.00).

Your Taxable Fees

Table with columns: Fee Description, Amount. Includes rows for 11.11% Concession Recovery Fee (7.55) and Sub-total-Charges (75.55).

Your Non-Taxable Products/Services

Table with columns: Product/Service, Amount. Includes row for CUST. FACILITY CHARGE 4.50/D (9.00).

Summary table with columns: Description, Amount. Includes rows for Your Total Charges (95.60) and Prepayment (0.00).

Final summary table with columns: Description, Amount. Includes rows for Net Charges (USD 95.60) and Your Total Due (0.00).

Thank you for renting with Avis. For all other inquiries, please contact us at 1-800-352-7900 or www.Avis.com. At Avis, we are committed to providing you with the best rental experience in the industry. We are in the business of treating people like people.



Mrs Courtney Corbello (Booked for Charles Miller)

[Redacted Address]

United States

INVOICE

Membership No : [Redacted]
 A/R Number :
 Company Name :

Room No. : 1513
 Arrival : 12/09/24
 Departure : 12/11/24
 Folio No. : 251503
 Conf. No. : 14231844
 Cashier No. : 9588
 Custom Ref. :
 Page No. : 1 of 1

Date	Description	Charges	Payment
12/09/24	Valet Overnight	[Redacted]	
12/09/24	Valet Parking Tax	[Redacted]	
12/09/24	Room Charge	116.00	
12/09/24	4.50% State Sales Tax	5.22	
12/09/24	4.125% City Sales Tax	4.79	
12/09/24	9.25% City Occupancy Tax	10.73	
12/10/24	Valet Overnight	[Redacted]	
12/10/24	Valet Parking Tax	[Redacted]	
12/10/24	Room Charge	116.00	
12/10/24	4.50% State Sales Tax	5.22	
12/10/24	4.125% City Sales Tax	4.79	
12/10/24	9.25% City Occupancy Tax	10.73	
12/11/24	Seltzer's Breakfast Check#8824020	[Redacted]	
12/11/24	Visa XXXXXXXXXXXX5647		384.85
Total		384.85	384.85

Balance 0.00

Thank you for staying at Omni Hotels & Resorts



Date of Purchase: Oct 03, 2024

Flight Receipt for Cincinnati, OH to Atlanta, GA

PASSENGER INFORMATION

CHARLES MICHAEL MILLER

SkyMiles Number: [REDACTED]

Confirmation Number: GFDTY7

Ticket Number: 0062272942008

FLIGHT INFORMATION

Date and Flight	Status	Class	Seat/Cabin
CVG>ATL Mon 09Dec2024 DL 1516	FLWN	W	
ATL>OKC Mon 09Dec2024 DL 2784	FLWN	W	
OKC>ATL Wed 11Dec2024 DL 2862	FLWN	S	
ATL>CVG Wed 11Dec2024 DL 2395	FLWN	Q	

DETAILED CHARGES

Air Transportation Charges

Base Fare: \$696.51 USD

Taxes, Fees & Charges:

United States - September 11th Security Fee(Passenger Civil Aviation Security Service Fee) (AY)	\$11.20 USD
United States - Transportation Tax (US)	\$52.24 USD
United States - Passenger Facility Charge (XF)	\$18.00 USD
United States - Flight Segment Tax (ZP)	\$20.00 USD

Total Price: \$797.95 USD

Paid with Visa *****7491

KEY OF TERMS

- Arrival date different than departure date

** - Check-in required

***- Multiple meals

F - Food available for purchase

L - Lunch

LV - Departs

*S\$ - Multiple seats
AR - Arrives
B - Breakfast
C - Bagels / Beverages
D - Dinner

M - Movie
R - Refreshments, complimentary
S - Snack
T - Cold meal
V - Snacks for sale

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Baggage and check-in requirements vary by airport and airline, so please check with the operating carrier on your ticket.

Please review Delta's [check-in requirements](#) and [baggage guidelines for details](#).

You must be checked in and at the gate at least 15 minutes before your scheduled departure time for travel inside the United States.

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- [Check-in requirements](#) and other rules established when we may [refuse carriage](#).
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Customer: Traveler
Email Address: cmiller@ifs.org
Order: 408430386SPDA
Date: 12/9/24, 9:11:36 PM GMT-05:00

Purchase Summary

Browse Flight Pass	\$9.95
Tax	\$0.00
Payment type: VISA ***7491	
Total paid	\$9.95

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit F



Robert D. Nelon
Hall, Estill, Hardwick, Gable, Golden & Nelson, A. P.C. - Oklahoma City
100 North Broadway Avenue, Ste 2900
Oklahoma City, OK 73102

Invoice #7892

Date	Terms
12/06/2024	Due on receipt

Job #6487 on 11/19/2024

Case Style: Nexstar Media Inc d/b/a KFOR-TV v. Ryan
Walters and Dan Isett

Case Number#:

Deposition of Dylan Brown

Deposition of Dylan Brown

Amount Due: \$ 139.60
Paid: \$ 139.60

Balance Due:	\$ 0.00
Payment Due:	Upon Receipt

Tax ID: 73-1521256

Please Remit Payment to: 620 N Robinson Ave, Ste 202, Oklahoma City, OK 73102



Robert D. Nelon
Hall, Estill, Hardwick, Gable, Golden & Nelson, A. P.C. - Oklahoma City
100 North Broadway Avenue, Ste 2900
Oklahoma City, OK 73102

Invoice #7895

Date	Terms
12/06/2024	Due on receipt

Job #6489 on 11/20/2024

Case Style: Nexstar Media Inc d/b/a KFOR-TV v. Ryan
Walters and Dan Isett

Case Number#:

Deposition of Kevin Josefy

Deposition of Gage Shaw

Amount Due: \$ 555.90
Paid: \$ 555.90

Balance Due:	\$ 0.00
Payment Due:	Upon Receipt

Tax ID: 73-1521256

Please Remit Payment to: 620 N Robinson Ave, Ste 202, Oklahoma City, OK 73102

INVOICE 1 of 1

D&R Reporting & Video, Inc.
 Metropolitan Building
 400 N. Walker
 Suite 160
 Oklahoma City, OK 73102

Invoice No.	Invoice Date	Job No.
139302	11/25/2024	46319
Job Date	Case No.	
11/22/2024		
Case Name		
Nextstar v. Walters		
Payment Terms		
Due upon receipt		

Bob Nelson
 Hall, Estill, Hardwick, Gable, Golden & Nelson
 100 North Broadway Avenue
 Suite 2900
 Oklahoma City, OK 73102

Ryan Walters & Dan Isett - Video	875.00
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF: Ryan Walters	407.50
ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF: Dan Isett	542.50
TOTAL DUE >>>	\$1,825.00

Location of Job : Hall, Estill, Hardwick, Gable, Golden & Nelson
 100 North Broadway Avenue
 Suite 2900
 Oklahoma City, OK 73102

All billing questions should be addressed within 15 days of receipt of invoice otherwise the billing will be considered accepted as billed.

Thank you for choosing D&R Reporting & Video, Inc., for all your litigation support needs. We appreciate your business.

(-) Payments/Credits:	1,825.00
(+) Finance Charges/Debits:	0.00
(=) New Balance:	\$0.00

Tax ID: 73-1334253

Please detach bottom portion and return with payment.

Bob Nelson
 Hall, Estill, Hardwick, Gable, Golden & Nelson
 100 North Broadway Avenue
 Suite 2900
 Oklahoma City, OK 73102

Invoice No. : 139302
 Invoice Date : 11/25/2024
Total Due : \$0.00

Remit To: **D&R Reporting & Video, Inc.**
Metropolitan Building
400 N. Walker
Suite 160
Oklahoma City, OK 73102

Job No. : 46319
 BU ID : 1-MAIN
 Case No. :
 Case Name : Nextstar v. Walters

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit G

ST44 Rev. 10/23
Derived from AO44 Rev. 10/23

UNITED STATES DISTRICT COURT
Western District of Oklahoma

INVOICE 20240091

MAKE CHECKS PAYABLE TO: _____

Courtney Corbello
Institute for Free Speech
1150 Connecticut Avenue NW
Ste. 801
Washington, DC 20036
ccorbello@ifs.org

Susan Fenimore, RPR, FCRR
U.S. Court Reporter
1914 E. Dowden Lane
Mustang, OK 73064
(405) 550-5966
okfenimore@gmail.com

CRIMINAL **CIVIL**

DATE ORDERED: **09-27-2024**

DATE DELIVERED:

In the matter of: CIV-24-980-J, NexStar Media, et al v Ryan Walters, et al

Transcript of motion hearing held 9-25-24

CATEGORY	ORIGINAL			1 ST COPY			ADDITIONAL COPY			TOTAL CHARGES
	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	PAGES	PRICE	SUBTOTAL	
30-Day										
14-Day										
7-Day	49	5.35	262.15							262.15
3-Day										
Next-Day										
2-Hour										
Realtime										
Misc.	Misc. Charges									
Subtotal										262.15
Less Discount for Late Delivery										
Tax (If Applicable)										
Less Amount of Deposit										
Total Refund										
Total Due										262.15

ADDITIONAL INFORMATION

Full price may be charged only if the transcript is delivered within the required time frame. For example, if an order for expedited transcript is not completed and delivered within (7) calendar days, payment would be at the 14-day delivery rate, and if not completed and delivered within 14 days, payment would be at the ordinary delivery rate.

CERTIFICATION

I certify that the transcript fees charged and page format used comply with the requirements of this court and the Judicial Conference of the United States.

SIGNATURE:
/s/Susan Fenimore

DATE:
09-27-2024

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

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Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF COURTNEY CORBELLO IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit H

The UPS Store #2002
13492 N Highway 183 Ste 120
Austin, TX 78750-2254
512-335-5558

Terminal....: POS2002A Date.: 9/23/2024
Employee....: 278564 Time.: 01:40 PM

ITEM NAME	QTY	PRICE	TOTAL
NDA Saver			\$51.33
	1 @	\$51.33	
Tax			\$0.00
MMQYHQM67KJUW			
Tracking Number - 1278E4811360511771			
Metered Mail Ground Advantage			\$8.48
	1 @	\$8.48	
Tax			\$0.00
MMQYHQMZ1SA5A			
Tracking Number - 9400111899561850003569			

Subtotal	\$59.81
Shipping/Other Charges	\$0.00
Total tax	\$0.00
Total	\$59.81
Cards	\$59.81

=====
Items Designated NR are NOT eligible
for Returns, Refunds or Exchanges.

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
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Plaintiffs,

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Defendants.

Case No. 5:24-cv-00980-J

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ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit I

THE FITZPATRICK MATRIX

Hourly Rates (\$) for Legal Fees for Complex Federal Litigation in the District of Columbia

Years Exp. / Billing Yr.	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
35+	535	563	591	619	647	675	703	731	736	760	807	864
34	534	562	590	618	646	674	702	729	734	758	805	862
33	532	560	588	616	644	672	700	728	733	757	804	861
32	530	558	586	614	642	670	698	726	730	754	801	858
31	527	555	583	611	639	667	695	723	728	752	799	856
30	524	552	580	608	636	664	692	720	725	749	795	851
29	521	549	577	605	633	661	689	717	721	745	791	847
28	517	545	573	601	629	657	685	713	717	741	787	843
27	512	540	568	596	624	652	680	708	713	736	782	838
26	508	536	564	592	620	648	676	704	708	731	776	831
25	502	530	558	586	614	642	670	698	703	726	771	826
24	497	525	553	581	609	637	665	693	697	720	765	819
23	491	519	547	575	603	630	658	686	691	714	758	812
22	484	512	540	568	596	624	652	680	684	707	751	804
21	477	505	533	561	589	617	645	673	677	699	742	795
20	470	498	526	553	581	609	637	665	670	692	735	787
19	462	490	518	546	574	602	630	658	662	684	726	778
18	453	481	509	537	565	593	621	649	653	675	717	768
17	445	473	500	528	556	584	612	640	645	666	707	757
16	435	463	491	519	547	575	603	631	635	656	697	746
15	426	454	482	510	538	566	593	621	626	647	687	736
14	416	443	471	499	527	555	583	611	615	635	674	722
13	405	433	461	489	517	545	573	601	605	625	664	711
12	394	422	450	478	506	534	562	590	594	614	652	698
11	382	410	438	466	494	522	550	578	582	601	638	683
10	371	399	427	455	483	510	538	566	570	589	625	669
9	358	386	414	442	470	498	526	554	558	576	612	655
8	345	373	401	429	457	485	513	541	545	563	598	640
7	332	360	388	416	444	472	500	528	532	550	584	625
6	319	347	375	403	431	458	486	514	518	535	568	608
5	305	332	360	388	416	444	472	500	504	521	553	592
4	290	318	346	374	402	430	458	486	489	505	536	574
3	275	303	331	359	387	415	443	471	474	490	520	557
2	260	287	315	343	371	399	427	455	458	473	502	538
1	244	272	300	328	356	384	412	439	442	457	485	519
0	227	255	283	311	339	367	395	423	426	440	467	500
P*	130	140	150	160	169	179	189	199	200	207	220	236

* = Paralegals/Law Clerks

Explanatory Notes

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared to assist with resolving requests for attorney's fees in complex civil cases in District of Columbia federal courts handled by the Civil Division of the United States Attorney's Office for the District of Columbia. It has been developed to provide "a reliable assessment of fees charged for complex federal litigation in the District [of Columbia]," as the United States Court of Appeals for the District of Columbia Circuit urged. *DL v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, nor has it been adopted by other Department of Justice components.
2. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *E.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b). A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). The matrix is not intended for use in cases in which the hourly rate is limited by statute. *E.g.*, 28 U.S.C. § 2412(d).
3. For matters in which a prevailing party agrees to payment pursuant to this fee matrix, the United States Attorney's Office will not request that a prevailing party offer the additional evidence that the law otherwise requires. *See, e.g., Eley v. District of Columbia*, 793 F.3d 97, 104 (D.C. Cir. 2015) (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995) (requiring "evidence that [the] 'requested rates are in line with those prevailing in the community for similar services'")).
4. The years in the column on the left refer to an attorney's years of experience practicing law. Normally, an attorney's experience will be calculated based on the number of years since an attorney graduated from law school. If the year of law school graduation is unavailable, the year of bar passage should be used instead. Thus, an attorney who graduated from law school in the same year as the work for which compensation is sought has 0 years of experience. For all work beginning on January 1 of the calendar year following graduation (or bar admission), the attorney will have 1 year of experience. (For example, an attorney who graduated from law school on May 30 will have 0 years of experience until December 31 of that same calendar year. As of January 1, all work charged will be computed as performed by an attorney with 1 year of experience.) Adjustments may be necessary if an attorney did not follow a typical career progression or was effectively performing law clerk work. *See, e.g., EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate).
5. The data for this matrix was gathered from the dockets of cases litigated in the U.S. District Court for the District of Columbia using the following search in July 2020 in Bloomberg Law: keywords ("motion n/5 fees AND attorney!") + filing type ("brief," "motion," or "order") + date ("May 31, 2013 – May 31, 2020" under "Entries (Docket and Documents)"). This returned a list of 781 cases. Of those, cases were excluded if there was no motion for fees filed, the motions for fees lacked necessary information, or the motions involved fees not based on hourly rates, involved rates explicitly or implicitly based on an existing fee matrix, involved rates explicitly or implicitly subject to statutory fee caps (*e.g.*, cases subject to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)), or used lower rates prescribed by case law (*e.g.*, *Eley*, 793 F.3d at 105 (Individuals with Disabilities in Education Act cases)). After these excisions, 86 cases, many

of which included data for multiple billers (and 2 of which only provided hourly rate data for paralegals), remained.

6. The cases used to generate this matrix constitute complex federal litigation—which caselaw establishes as encompassing a broad range of matters tried in federal court. *E.g.*, *Reed v. District of Columbia*, 843 F.3d 517, 527-29 (D.C. Cir. 2016) (Tatel, J., concurring) (noting that cases arising under the Freedom of Information Act, Title VII, the Americans with Disabilities Act, Constitutional Amendments, antitrust statutes, and others have been deemed complex, and even “relatively small” cases can constitute complex federal litigation, as they too require “specialized legal skills” and can involve “complex organizations,” such as “large companies”); *Miller v. Holzmann*, 575 F. Supp. 2d 2, 14-16, 17 (D.D.C. 2008) (prevailing market rates for complex federal litigation should be determined by looking to “a diverse range of cases”). That the attorneys handling these cases asked the court to award the specified rates itself demonstrates that the rates were “adequate to attract competent counsel, [while] not produc[ing] windfalls to attorneys.” *West v. Potter*, 717 F.3d 1030, 1033 (D.C. Cir. 2013) (quoting *Blum v. Stenson*, 465 U.S. 886, 897 (1984)). As a consequence, the resulting analysis yields the “prevailing market rate[] in the relevant community” for complex litigation undertaken in federal courts in the District of Columbia. *See Blum*, 465 U.S. at 895.
7. From these 86 complex federal cases, the following information was recorded for 2013 and beyond: hourly rate, the calendar year the rate was charged, and the number of years the lawyer was out of law school when the rate was charged (or, if law school graduation year was unavailable, years since bar passage), as defined above. If the graduation or bar passage year was not stated in a motion or its exhibits, then the lawyer’s biography was researched on the internet. Although preexisting fee matrices for the District of Columbia provide for mid-year rate changes, very few lawyers in the data submitted rates that changed within a calendar year. For this reason, the matrix was modeled using one rate for each calendar year. On the occasions when a lawyer expressed an hourly rate as a range or indicated the rate had increased during the year, the midpoint of the two rates was recorded for that lawyer-year.
8. The matrix of attorney rates is based on 675 lawyer-year data points (one data point for each year in which a lawyer charged an hourly rate) from 419 unique lawyers from 84 unique cases. The lawyer-year data points spanned from years 2013 to 2020, from \$100 to \$1250, and from less than one year of experience to 58 years.
9. Paralegal/law clerk rates were also recorded. The following titles in the fee motions were included in the paralegal/law clerk data: law clerk, legal assistant, paralegal, senior legal assistant, senior paralegal, and student clerk. The paralegal/law clerk row is based on 108 paralegal-year data points from 42 unique cases. They spanned from 2013 to 2019 and from \$60 to \$290. (It is unclear how many unique persons are in the 108 data points because paralegals were not always identified by name.)
10. The matrix was created with separate regressions for the lawyer data and the paralegal data. For the paralegal data, simple linear least-squares regression was used with the dependent variable hourly rate and the independent variable the year the rate was charged subtracted from 2013; years were combined into one variable and subtracted from 2013 rather than modeled as separate indicator variables to constrain annual inflation to a constant, positive number. The resulting regression formula was rate =

129.8789 + 9.902107 * (year-2013). For the lawyer data, least-squares regression was used with the dependent variable hourly rate and independent variables the year the rate was charged and the number of years of experience of the lawyer when the rate was charged. The year the rate was charged was subtracted from 2013 and modeled linearly as with the paralegal data. The number of years out of law school (or since year of bar passage) was modeled with both linear and squared terms, as is common in labor economics to account for non-linear wage growth (e.g., faster growth earlier in one's career than at the end of one's career). See, e.g., Jacob Mincer, *Schooling, Experience, and Earnings* (1974). The resulting regression formula was rate = 227.319 + 16.54492 * experience - 0.2216217 * experience ^ 2 + 27.97634 * (year-2013). Regressions were also run with log transformed rates and with a random-effect model (to account for several lawyers appearing more than once in the data), but both alternatives resulted in mostly lower rates than those reflected here; in order to minimize fee disputes, these models were therefore rejected in favor of the more generous untransformed, fixed-effect model. Rates from one case comprised 20% of the data; the regression was also run without that case, but the resulting rates were mostly lower and therefore rejected, again to minimize fee disputes.

11. The data collected for this matrix runs through 2020. To generate rates after 2020, an inflation adjustment (rounded to the nearest whole dollar) has been added. The United States Attorney's Office determined that, because courts and many parties have employed the legal services index of the Consumer Price Index to adjust attorney hourly rates for inflation, this matrix would do likewise. E.g., *Salazar v. District of Columbia*, 809 F.3d 58, 64-65 (D.C. Cir. 2015); *Eley*, 793 F.3d at 101-02; *DL*, 924 F.3d at 589-90. That was the approach followed for the years 2021 through and including 2023. However, the Bureau of Labor Statistics has now ceased consistently publishing monthly data for the legal services index of the Consumer Price Index. As an alternative, the legal services index of the Producer Price Index, which continues regularly to provide updated data, has been used to generate the rates for 2024.
12. This matrix was researched and prepared by Brian Fitzpatrick, the Milton R. Underwood Chair in Free Enterprise and Professor of Law at Vanderbilt Law School, with the help of his students.
13. This matrix and an alternative, preexisting matrix were extensively examined, and, based on that analysis, this matrix was the one selected for computation of the hourly rates for the attorneys' fees awarded in *J.T. v. District of Columbia*, 652 F. Supp. 3d 11 (D.D.C. 2023) (Howell, C.J.), and in *Brackett v. Mayorkas*, Civ. A. No. 17-0988, 2023 WL 5094872 (D.D.C. Aug. 9, 2023) (Boasberg, C.J.).

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ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit J

Fitzpatrick Matrix Calculator

Fitzpatrick Matrix Fee Report

Generated on: February 10, 2025 at 12:38 PM

Total Fees

Total Fees: \$210,386.00

Fee Breakdown

1. Courtney Corbello (2024): \$210,386.00

Rate: \$655.00

Yearly Totals

1. 2024: \$210,386.00

Individual Totals

1. Courtney Corbello: \$210,386.00

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
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Defendants.

Case No. 5:24-cv-00980-J

DECLARATION OF CHARLES MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

I, Charles Miller, submit the following affidavit in support of Plaintiffs' Motion for Attorneys' Fees and Costs Pursuant to 42 U.S.C. § 1988(b):

1. I am a senior attorney at the Institute for Free Speech (IFS). I am licensed to practice law before all state and federal courts in Ohio, and Washington, D.C. I am also admitted to the First and Sixth Circuit Courts of Appeals and the United States Supreme Court. I am attorney of record for all Plaintiffs in this action. I have personal knowledge of the facts expressed below, and with respect to any facts alleged on information and belief, I am informed and do believe them to be true.

2. I submit this Declaration in support of Plaintiffs' request for attorney fees and costs expended in the pursuit of this matter.

3. I am a graduate of The Ohio State University and Boston University School of Law. I began my career with a clerkship with Ohio Supreme Court Justice Maureen O'Connor

during her first two years on the bench. Following that, I spent the next decade with the firm Keating, Muething, and Klekamp PLL, in Cincinnati Ohio where I maintained an issues and appeals practice. A portion of my practice involved corporate litigation, for which I traveled the country handling contract disputes, employment class actions, and international trade disputes.

4. Another portion of my practice focused on advancing novel legal issues, primarily before the Ohio Supreme Court, where I was counsel of record in well over a dozen cases decided on the merits, almost all in my clients' favor. The Ohio Supreme Court also repeatedly requested that I serve as appointed counsel when they accepted a *pro se* appeal.

5. During this time, I developed an expertise in election law, campaign finance, and expedited litigation. Ohio, at the time, was a swing state, which resulted in frequent litigation both before and after elections. Because of their nature, these cases must be resolved quickly. Through this process, I developed skill handling expedited cases that can be honed to achieve the best results possible for clients. As a result of this expertise, at the request of the National Republican Senatorial Committee, I oversaw an election contest in Alaska in 2010.

6. I served as a judge on the Ohio First District Court of Appeal, via gubernatorial appointment, from 2017 to 2019. During this period, I was invited by the Chief Justice to sit as a visiting judge on the Ohio Supreme Court. I was appointed by a separate justice to be a judicial member of the Ohio Board of Professional Conduct, which oversees lawyer disciplinary matters.

7. Following my judicial service, I served as general counsel to the Ohio Attorney

General, and as Deputy Attorney General for Major Litigation, where I oversaw Appeals/Solicitor General, Antitrust, Constitutional Offices, Consumer Protection, and what I called “vices” which included charitable, liquor, and gaming. One of the cases I oversaw and helped prepare was *Ohio v. OSHA*, aka the “vaccine mandate” case, in which the U.S. Supreme Court, after expedited argument, ruled in favor of Ohio.

8. I also maintained a personal portfolio of special litigation matters referred to as “major litigation.” As part of this effort, I brought a first of its kind case against Google to have Google Search declared a common carrier. The case survived a motion to dismiss and is pending summary judgment. I also launched a first of its kind case against Prescription Benefit Managers (“PBMs”), alleging that PBMs are intentionally making prescription pricing opaque and manipulating drug pricing to create the artificial appearance of cost savings for consumers and plan sponsors.

9. Both of these cases received significant attention from both the media and other regulators such as the FTC and FCC. Soon after I launched Ohio’s PBM case, the FTC announced the launch of an investigation into the practices and followed on with its own case approximately 18 months later.

10. Also as part of major litigation, I spearheaded civil-RICO cases against two energy companies, the Speaker of the Ohio House, the former Chair of the Public Utilities Commission, and various other individuals. Various expedited filings in those cases resulted in the enjoining of \$1.3 billion of customer payments to one utility and \$700 million to the other. Another expedited motion achieved the prejudgment attachment of funds connected to a \$4 million bribe paid to the former PUCO chairman.

11. I also became deeply involved in MDL matters and practices, with a particular focus on the potential intrusion MDLs can cause in vertical separation of powers where counties, and municipalities are litigating alongside States and seeking different remedies.

12. I joined the Institute for Free Speech in May 2023. While at IFS, I have focused on campaign finance, political free speech, and media cases. I have argued cases before the Alaska and Connecticut Supreme Courts, submitted amicus briefs in the United States Supreme Court and the First Circuit Courts of Appeals. I have filed cases in District Courts in Iowa, Maine, Ohio, Oklahoma, Kansas, Utah, and soon Texas. I have intervened on behalf of anonymous authors in a New York case.

13. I prevailed for my clients in the cases in Connecticut, Maine, Iowa, Kansas, New York and Oklahoma. Other matters remain pending, but no case has been decided against my clients.

14. I filed an amicus brief before the United States Supreme Court in *Murthy v. Missouri* urging the Court to “hold that the government violates the First Amendment when it privately solicits a third party to remove another person’s lawful political speech from the public discourse.” *Murthy* was ultimately decided on jurisdictional grounds and did not reach the merits. However, a companion case argued the same day, *NRA v. Vullo*, did reach the merits. The *Vullo* holding closely mirrored by request: “Yet where, as here, a government official makes coercive threats in a private meeting behind closed doors, the ‘ballot box’ is an especially poor check on that official’s authority. Ultimately, the critical takeaway is that the First Amendment prohibits government officials from wielding their power selectively to punish or suppress speech, directly or (as alleged here) through private

intermediaries.” My brief was the only brief in either case to advocate for such a direct holding.

15. This case is one of a series of media access cases I have brought. Successfully bringing these cases requires an understanding of the First Amendment, particularly free speech, and press freedom, and of expedited litigation.

16. Plaintiffs brought this suit on September 23, 2024 claiming that Defendants had violated their First Amendment rights by denying them access equal to that of other press for arbitrary and viewpoint-based reasons. Plaintiffs sought restoration of their access to these events and an order preventing Defendants from physically obstructing or touching them in a manner meant to impede their access.

17. On September 25, 2024, the Court heard Plaintiffs’ Motion for a Temporary Restraining Order, and granted the motion the same day, which allowed KFOR to attend the State School Board Meeting the next day.

18. On December 11, 2024, this Court issued a Permanent Injunction Order against Defendants. This order not only restored Plaintiffs’ access to OSDE school board meetings and Superintendent Walters’ press conferences but also restored access to OSDE board meeting RSVP notices, the email distribution list for OSDE press releases, and OSDE statements issued to members of the press. The order also required Defendants to re-establish a media line for *all* journalists wishing to attend OSDE board meetings. The order further established that the parties had agreed to submit the issue of an attorneys’ fees amount to the Court for determination.

19. That Permanent Injunction Order is at Dkt. 58 in the record of this matter.

Therefore, under 42 U.S.C. §1988, the Court is authorized to award reasonable attorney fees and costs as counsel for the “prevailing party,” and Plaintiffs submit they were the “prevailing party.”

Efforts Made by Plaintiffs to Settle

20. It is my understanding from discussion with my clients and the testimony of Plaintiffs under oath that KFOR did attempt to resolve the denial of their press access informally with Mr. Isett and Mr. Walters prior to choosing to proceed in court. *See* Dylan Brown Deposition 39:3-10 attached herein as Exhibit A; Gage Shaw Deposition 24:2-25:8 attached herein as Exhibit B.

21. I made extensive, and ultimately successful efforts to settle this case from the outset.

22. I contacted opposing counsel and the Attorney General’s Office prior to filing suit, and prior to the TRO hearing. I advised that we viewed this case as a laydown and that the Defendants should consider settling to avoid the expense of litigation, the court hearings and avoid taking a loss. Those efforts were rebuffed.

23. I raised the issue of settlement in every conversation I had with opposing counsel after the TRO. I explained that there was only one ending to the case and that rather than prolonging the case, the Defendants should agree to converting the TRO into a permanent injunction. I was continuously rebuffed.

24. Because of various oddities that transpired relating to this matter, including a seeming revolving door of attorneys handing the case for defendants, I took the unusual effort of raising the potential of settlement directly with Superintendent Walters during his deposition to ensure that the issue was top of mind for him. Walters only responded “You

know, I -- I think we've set out today kind of where our position is and how we've come to those conclusions." Walters Dep. 35:9-18.

25. We finally received a communication from the defendants, via email from yet another new attorney to the case to Ms. Corbello, at 2:45pm on December 6, the Friday before trial, the message merely requested that we make a settlement demand, which we did two hours later.

26. I expected to hear back from the defendants that evening and negotiate over the weekend. Instead, I received radio silence.

27. On Monday, there still was not a response.

28. Shocked by the lack of a response, I asked Ms. Corbello to ping the defense counsel, when I was at the Cincinnati airport awaiting my outbound flight. She did via email at 3:19pm CT on Monday December 9.

29. Approximately ten minutes later, we received the following response:

We're not able to approve the terms you sent me at this point. The 17.91, Apology Letter, and \$300,000 in attorneys fees are sticking points.

If you were just asking to be placed in the same position as other news media, as is currently the case, then I'm sure it would get done. I don't believe any of the other terms you listed were a problem.

The question is if those 3 things I listed above are non-negotiable for you? We're open to continuing discussions, just let me know. Thank you.

30. I responded while walking down the jet bridge: "We are happy to negotiate. Please provide a counteroffer so we understand where you stand." We did not receive a response that day.

31. On Tuesday December 10, we prepared our clients and witnesses for the trial at KFOR studios. We were able to speak with opposing counsel during a lunch break. Defense counsel indicated that their clients were willing to agree to all settlement terms except the attorney fees and requested we lower our demand. I emailed revised settlement terms immediately following the call, including reducing our attorney fee demand by half.

32. Opposing counsel responded ten minutes later:

Everything was amenable with the exception of the amount of attorney fees. If you were willing to reduce it to \$75,000, we will go back and see if that can put a bow on it and we can move forward with constructive purpose.

33. At that point, I viewed the case as settled. If all substantive settlement terms were agreed, there would be no need for a trial, and the amount of attorney fees, if not agreed contemporaneously, could be submitted to the court later for disposition.

34. I found it noteworthy at the time that the defendants were not making actual settlement offers, but continually requesting we lower the monetary portion of our demand. It indicated to me that the attorneys did not have authority to agree to an attorney fee amount and were instead looking for an amount to shop to their client, which could then be rejected. Nevertheless, I was pleased that they had proposed an attorney fee amount, even if it was far below what was justified.

35. Despite this concern, we further lowered our attorney fee demand (against the wishes of our client) by 60% of the original demand in an effort to get the matter resolved for the benefit of the client.

36. I then proceeded to create a settlement agreement entry containing the agreed terms and sent it to opposing counsel.

37. There was no response from the opposing side before they walked into court the next morning.

38. Once in court, I became aware that the defendants had not responded to their counsel regarding the final settlement demand from us. I informed opposing counsel that if all substantive terms were agreed, I could not in good faith waste the court's time on a trial simply because the amount of attorney fees had not been agreed.

39. Once the defendants arrived, we entered a period of negotiation and resolved the matter. The substantive terms achieved were everything my client demanded, including a permanent injunction and nominal damages. Specifically, the terms of the injunction are:

Defendants agree to be permanently enjoined in this matter and to act, or be prohibited from acting, in the following ways:

- a. Grant access for KFOR to all OSDE board meetings, press conferences, gaggles, or any other meetings held in which other news media are given nonexclusive access.
- b. Grant KFOR's access to the RSVP notices OSDE sends to journalists prior to each meeting.
- c. Grant KFOR (4@kfor.com) to email distribution list for all OSDE press releases and/or notifications related to OSDE activities following a meeting between the KFOR News Director and the OSDE Director of Communications at KFOR Studios.
- d. Grant KFOR's access to all OSDE "statements" issued to members of the general press in response to daily press inquiries.

e. Re-establish the media line for journalists wishing to attend OSDE board meetings, subject to security concerns that may arise.

40. Some of the terms were beyond what could have been achieved in court, particularly paragraphs c, d., and e., none of which were sought in the complaint or motions.

41. While Defendants refused to agree to an attorney fee award, they did agree that the court would determine the appropriate amount.

Amount of Fees and Costs Requested

42. The amount of hours I spent on this case are attached to this Declaration as **Exhibit C**. I have reviewed all of my billing records for this case and can affirm they are true and accurate account of the time I reasonably and necessarily expended to successfully litigate this case. I took the initiative to lighten the time expended by not recording several emails, phone call and text conversations with co-counsel and my clients, and by sometimes combining entries into a single, smaller time entry.

43. Any receipts for costs accrued by me in traveling for this matter have been provided to Ms. Corbello for inclusion in a spreadsheet that totals all of the costs paid for by IFS. Mr. Nelon's office also handled several smaller fees, which are detailed in his affidavit. I can attest that counsel made every effort to reduce costs in this case. For example, Ms. Corbello and I used Ms. Corbello's military veteran discount to obtain hotel rooms at lower rates. Additionally, I flew an alternative airline on one trip when the cost of my preferred airline was out of line. We also divided the defending and taking of depositions to ensure only one attorney was required to travel for those events. I took the depositions of Mr. Walters and Mr. Isett in under 2 hours each – focusing only on the issues relevant to the

suit in order to minimize court reporter and videographer fees.

44. The attorney time expended in this case was greatly increased by the litigating tactics of defendants. Not only did they ignore early settlement efforts, defendants filed an unwarranted jury demand, after the parties had agreed to a bench trial. In response to the Court's inquiry about the jury demand, Defendants did not back down. Instead, they filed a dense memorandum arguing why a jury should be had. This required Plaintiffs' counsel to respond. Additionally, Defendants made onerous discovery demands, which required a motion for a protective order, which was granted. Defendants also wasted time at depositions inquiring about witnesses personal lives—including their use of dating apps. It also became clear through the discovery process and trial preparations that Defendants intended to introduce at trial a vast number of news articles to "prove" that Plaintiffs were "fake news." This required an extensive motion in limine, which was granted.

45. In addition to the above, Defendants increased costs and attorney time by being extremely difficult in scheduling depositions. They ignored our requests for weeks to agree to deposition dates. When they finally responded, they only offered dates they acknowledged we previously told them were not available:

Good morning, Counsel,

Superintendent Walters and Mr. Langston are available November 12 or 13, but it looks like you are unavailable on those dates. We are still checking on other dates.

46. Thus, we had to simply notice deposition dates.

47. The difficulty continued when scheduling depositions defendants wanted to take of plaintiffs. Defendants refused to agree to have plaintiff and defendant depositions occur on

back-to-back days. This necessitated additional travel for plaintiffs' counsel. Defendants also refused to have the three depositions on the same day, again necessitating additional time and expenses.

Lodestar Factors:

Time and Labor Required

48. The time I have spent litigating this case is attached to this Declaration as Exhibit C.

49. These legal matters involving the violation of free press under the First Amendment are always a time and labor-intensive undertaking. This matter was referred to me by a mutual acquaintance of the plaintiffs. Because IFS is a 501(c)(3), which does not charge our clients for our work, there is a multitiered intake process to ensure that representing a potential client would advance a goal of the organization. I began this process at once, while simultaneously arranging meetings with the clients and working with Courtney to draft filings. I also worked to secure local counsel.

50. Following drafting of the complaint and TRO/PI motion, I oversaw filing and began preparations for the TRO hearing. We determined that Courtney would make the arguments, and that I would handle any evidentiary issues or witnesses that might be called by the defendants.

51. Following issuance of the TRO, I worked to further truncate the case by arranging to have the preliminary injunction hearing consolidated with the merits hearing. Although it would have been relatively light lifting on our part to obtain a preliminary injunction in this matter, we thought it better to pursue the course we did because it would keep costs

lower and avoid unnecessarily consuming court time.

52. Having achieved agreement on extending the TRO through the end of the calendar year, attention turned to discovery. In a media access case, discovery can usually be quite limited because typically the factual issues at play are equally limited. However, in this case, in large part because of Defendants' desire to "prove" that KFOR's reporting was false and/or unprofessional, discovery spiraled.

53. I participated in discovery drafting and deposition preparations. I deposed both defendants on a single day. I kept both depositions short and to the point.

54. I prepared for trial. I was going to make arguments and question the defendants. Because the case did not settle until the morning of trial, I had to be fully prepared to try the case.

Novelty and Difficulty of Questions Presented

55. This matter involved questions of press access in a limited public forum, and violations of the First Amendment.

56. First Amendment cases by their nature, are doctrinally complex. There are tiers of scrutiny, shifting burdens of proof, and important governmental interests at stake. There are questions about the type of forum, and of "government speech." It is a lot to wade through, and can be "novel" to many who are uninitiated. It takes skill and expertise to present these arguments in a compelling way.

57. Handling these cases as dedicated practice provides extreme efficiencies for courts and clients. We know what the issues are, and how to present the arguments. It is a practice unlike typical commercial litigation. Attorneys able to handle monumentally important

cases to citizens of Oklahoma, such as the ability of a Statewide elected official to bully press whom report unfavorably, on incredibly shortened time scales are not easy to come by. Those with solid winning records, even less so.

Skill Required to Perform the Legal Service Properly

58. The skill that we demonstrated in quickly obtaining a TRO, and leveraging the case into one that settled the morning of trial, largely by filing a successful motion in limine that took away the possibility that Defendants could turn the trial into a circus of allegations about “fake news” is patent.

59. Obtaining an agreed injunction that afforded more relief than could be obtained in court from Defendants who were (and maybe still are) openly hostile to our clients demonstrates elite skill.

Preclusion Of Other Employment

60. Because the cases we undertake often involve expedited litigation, each case requires intense levels of time and concentration. There is a limited number of cases one can handle at a given time when each case can be all encompassing and time sensitive. When many cases we take are “now or never” cases, undertaking the representation here blocked our ability to take on similar cases simultaneously.

Customary Fee Charged In Matters Of This Type; Whether Fee Is Fixed Or Contingent

61. This case, like every case IFS takes, was taken pro bono, with the understanding that counsel would seek attorneys fees for the work performed, and costs, under Section 1988. I am unaware of any “customary fee” that is applicable to cases such as this one, or any civil rights case for that matter. However, the fact that there is no customary fee as a

result of my pro bono representation does not preclude an award of attorneys' fees. *See, e.g., Blanchard v. Bergeron*, 489 U.S. 87, 94 (1989) (“[W]here there are lawyers or organizations that will take a plaintiff's case without compensation, that fact does not bar the award of a reasonable fee.”).

Any Time Limitations Imposed By Client Or Circumstances

62. This case was filed and concluded with exceptional speed. There was comprehensive discovery and pressing meeting dates that the clients needed to attend to cover. To take a case from filing in September to settling on the morning of trial in December is an intense time limitation.

The Amount Of Money, Or Value Of Rights Involved, And Results Obtained

63. KFOR is the oldest television station in Oklahoma and has a huge media following. The value of providing KFOR, and thus its viewers, access to cover the highest levels of state government, and of a particularly newsworthy public official cannot be fully measured in money. KFOR would risk losing audience to competitors if it did not have equal access, and number of viewers is how KFOR can achieve advertising revenue. But on top of that, advancing the First Amendment, and protecting the right of the free press protects our system of government and the freedoms we all share.

Experience, Reputation, and Ability Of The Attorneys

64. I am a 24-year attorney with experience as a judge, big firm partner, and high-level government attorney. I have a reputation of exceptional service and results. My reputation and abilities are nationally known, which is why a local tv station in Oklahoma City would call me when the need arose.

The “Undesirability” Of the Action

65. As noted above and in the Declaration of Bob Nelon, there are only a few lawyers in Oklahoma who will handle these types of cases. The cases involve extensive motion practice and up to several years of work before getting a resolution, hopefully a favorable one. The “undesirability” is reinforced by the fact that so few lawyers in Oklahoma take these cases.

Nature & Length Of Professional Relationship Between Attorney & Client

66. The Clients contacted me because I was referred to them as the best attorney to solve their problem.

Awards In Similar Actions

67. I have rarely sought fees in 1983 cases I’ve had. However, I was able to obtain a common fund attorney fee award in a case which obtained the refund of “impact fees” paid by developers and homebuilders in a case when I was in private practice. That fee was measured as a percentage of the fund, and not as an hourly fee.

68. During my tenure at the Institute for Free Speech, I am presently negotiating a fee under a state procedure in Connecticut. I am also in the process of negotiating a fee request in Kansas District Court after prevailing in a campaign finance case. In *Belin v. Nelson*, the defendants agreed to settle the case within a few days of filing and were fully cooperative in the matter. As such, Ms. Corbello and I agreed to a reduced hourly rate of \$390. This reduction was only because the Iowa legislature was fully cooperative in resolving the action.

Application Of Reasonable Hourly Rates Based On Counsel's Home Jurisdiction

69. Because we have a national practice and handle cases that are handled by an elite cadre of lawyers, mostly in D.C., where we are headquartered, we believe in this case, the rates determined by the DOJ to be appropriate in the D.C. District Court should be employed here.

70. The District Court for the District of Columbia utilizes the “Fitzpatrick Matrix” to set fees. The Fitzpatrick Matrix has been developed to provide “a reliable assessment of fees charged for complex federal litigation in the District [of Columbia][.]” *DL v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). Cases that are considered complex federal litigation include cases arising under the Freedom of Information Act, Title VII, the Americans with Disabilities Act, Constitutional Amendments, antitrust statutes, and others have been deemed complex, and even “relatively small” cases can constitute complex federal litigation. *See, e.g., Reed v. District of Columbia*, 843 F.3d 517, 527-29 (D.C. Cir. 2016) (Tatel, J., concurring).

71. The explanation of how the Fitzpatrick Matrix works, how it was created and what the hourly rates have been calculated based on years of experience is attached to this affidavit as **Exhibit D**.

72. The Fitzpatrick Matrix has an online calculator located at <https://fitzcalc.org/>. Using that calculator to calculate fees for work in 2024 as an attorney that graduated law school in 2001, my proper hourly rate is \$812. This calculation can be seen attached to this affidavit as **Exhibit E**.

73. As discussed in the Motion for Attorneys’ Fees, if this Court determines Oklahoma

City is the “relevant community” from which to calculate rates, I would ask that the Court calculate those rates given the same reasoning above to be \$541/hour, and also apply a multiplier to that rate. I request the Court consider a “multiplier” of 1.5 times the Lodestar amount determined by the Court given the risk involved in a pro bono case in which the Institute for Free Speech advanced all costs and Defendants made very clear, from the filing of the Complaint, that there would be no settlement and the parties would need to litigate this case to trial. This request is also supported by Permanent Injunction Order, which is significant in that it obtained Plaintiffs all the relief they sought plus additional relief.

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

Executed on February 10, 2025.

/s/ Charles M Miller
Charles M. Miller

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF CHARLES MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit A

NEXSTAR MEDIATV. vs RYAN WALTERS and DAN ISETT
Dylan Brown 11/19/2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT COURT OF OKLAHOMA

NEXSTAR MEDIA, INC., d/b/a)	
KFOR-TV.)	
)	
Plaintiff,)	
)	
vs.)	Case No.5:24-cv-00980-J
)	
RYAN WALTERS and DAN ISETT,)	
)	
Defendant.)	

DEPOSITION OF DYLAN BROWN
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON NOVEMBER 19, 2024

WORD FOR WORD REPORTING, L.L.C.
620 NORTH ROBINSON
SUITE 202
OKLAHOMA CITY, OKLAHOMA 73102
(405)232-9673

REPORTED BY: JENESSA KENDALL KALSU, CSR

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1 Q (By Ms. Carrasco) Did you try to resolve
2 the issues in this matter through internal grievance
3 procedures?
4 MS. CORBELLO: Objection, form.
5 THE WITNESS: What do you mean by -- "what
6 do you by mean "internal grievance"? Can you
7 specify?
8 Q (By Ms. Carrasco) Did you use any other
9 legal channels or legal remedies available, other
10 than filing this lawsuit?
11 A What are "legal remedies or legal
12 channels"? What do you -- can you specify that?
13 Q Did you use anything else, other than this
14 lawsuit, to resolve your issues?
15 MS. CORBELLO: Objection, form.
16 THE WITNESS: What would "resolve" be?
17 Can you specify that? What would --
18 Q (By Ms. Carrasco) It's just a yes or no.
19 A It's not a yes or no. That's a -- it's
20 not a yes or no.
21 Q If you used any internal grievance
22 procedures, can you please explain any of those?
23 A What --
24 MS. CORBELLO: Objection, form.
25 Q (By Ms. Carrasco) Did you file a police

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1 Q Anything else?
2 A Possibly. I don't know. But that's what
3 I'm -- right now, that's -- that's the thing I would
4 like. So as to get the other side of the story and
5 do my job as a reporter.
6 Q And my understanding, and correct me if
7 I'm wrong, is you'll do whatever it takes to make
8 that happen --
9 A Did I said that?
10 MS. CORBELLO: Objection, form.
11 Make sure you let her finish.
12 THE WITNESS: I know. I apologize. I'm
13 so bad at that.
14 Ask again and I will not interrupt you, I
15 promise.
16 Q (By Ms. Carrasco) You will go great
17 lengths to obtain that relief; is that accurate?
18 MS. CORBELLO: Objection, form.
19 THE WITNESS: I will go to lengths, yes.
20 Go to lengths. I will do what I can to get the
21 other side of the story, yes. I will go to great
22 lengths to get the other side of the story.
23 Q (By Ms. Carrasco) Will you break the law?
24 A No.
25 Q Have you ever walked into the women's

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1 report?
2 A No.
3 Q Did you file any complaint procedure with
4 the Department of Education?
5 A I asked Dan Isett many times and he gave
6 me an answer -- he gave me no answer many times.
7 I'll say that.
8 Q In what format did you ask him?
9 A (Shrugged shoulders.) Oral, if that's a
10 format. Yeah, oral.
11 Q Did you ever exchange written
12 communication?
13 A I can't -- I don't know. Maybe. I -- I
14 can't tell you, off the top of my head. Maybe.
15 Q Were there any other complaint processes
16 that you utilized, maybe a federal process?
17 A (Shrugged shoulders.)
18 MS. CORBELLO: Objection, form.
19 THE WITNESS: I can't remember. I -- no,
20 I don't know.
21 Q (By Ms. Carrasco) What specific relief or
22 damages are you seeking in this lawsuit?
23 A I would like to be able to get Ryan
24 Walters', the government official's, side of stories
25 from now on. That's for sure it.

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1 bathroom at the State agency?
2 MS. CORBELLO: Objection, form.
3 THE WITNESS: No.
4 Q (By Ms. Carrasco) Would there be anyone
5 else that would say differently?
6 MS. CORBELLO: Objection, form.
7 THE WITNESS: I will speak to myself. I
8 have not walked into a women's bathroom at the
9 Oliver Hodge building.
10 Q (By Ms. Carrasco) Would you surprise you
11 if someone is stating that you did?
12 MS. CORBELLO: Objection, form.
13 THE WITNESS: It would, yes.
14 Q (By Ms. Carrasco) Would there be any
15 situation, that you can recall, where that fact
16 would arise?
17 MS. CORBELLO: Objection, form.
18 THE WITNESS: What fact?
19 Q (By Ms. Carrasco) That you --
20 A What --
21 Q -- would go great lengths and walk into a
22 women's restroom to get what you need to get from
23 Superintendent Walters?
24 MS. CORBELLO: Objection, form.
25 THE WITNESS: What's the fact there?

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF CHARLES MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit B

NEXSTAR MEDIATV. vs RYAN WALTERS and DAN ISETT
Gage Shaw 11/20/2024

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT COURT OF OKLAHOMA

NEXSTAR MEDIA, INC., d/b/a)	
KFOR-TV,)	
)	
Plaintiff,)	
)	
vs.)	Case No.5:24-CV-00980-J
)	
RYAN WALTERS and DAN ISETT,)	
)	
Defendant.)	

DEPOSITION OF GAGE DANIEL SHAW
TAKEN ON BEHALF OF THE DEFENDANTS
IN OKLAHOMA CITY, OKLAHOMA
ON NOVEMBER 20, 2024

WORD FOR WORD REPORTING, L.L.C.
620 NORTH ROBINSON
SUITE 202
OKLAHOMA CITY, OKLAHOMA 73102
(405)232-9673

REPORTED BY: JENESSA KENDALL KALSU, CSR

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1 COURT REPORTER: (Shook head.)
 2 THE WITNESS: Okay. Just making sure.
 3 Q (By Ms. Carrasco) And what is -- what do
 4 you recall about the hour immediately after the
 5 appearance at the capitol by the Superintendent?
 6 MS. CORBELLO: Objection, form.
 7 THE WITNESS: Could you be more specific,
 8 please?
 9 Q (By Ms. Carrasco) Yes. What was your
 10 involvement immediately after the superintendent was
 11 finished with his appearance at the capitol?
 12 A To gather sound and video of the
 13 occurrences after the presser.
 14 Q And did you follow the superintendent
 15 after the appearance ended?
 16 A Could you be more specific, please?
 17 Q Yeah. In the capitol, do you recall
 18 following -- physically following the superintendent
 19 once he was finished with his appearance?
 20 A Yes.
 21 Q And was that an instruction that you were
 22 given?
 23 A Could you be more specific?
 24 Q Did anyone give you that instruction to
 25 follow the superintendent?

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1 No. Sorry.
 2 Q And to your knowledge, do you know why in
 3 this specific instance you were -- you followed
 4 Superintendent Walters?
 5 MS. CORBELLO: Objection, form.
 6 THE WITNESS: Could you be more specific,
 7 please?
 8 Q (By Ms. Carrasco) Yes. Do you have any
 9 knowledge as to why you followed Superintendent
 10 Walters that day?
 11 MS. CORBELLO: Objection, form.
 12 THE WITNESS: Yes.
 13 Q (By Ms. Carrasco) And what is that
 14 knowledge?
 15 A We wanted to ask a personal question of
 16 Walters as to why KFOR has been excluded so often.
 17 We didn't feel that a public statewide
 18 press conference was the right place to ask a
 19 personal specific question like that.
 20 Q So is it your testimony, then, that you
 21 wanted him alone, away from the public, to ask him a
 22 personal question?
 23 A No.
 24 Q Is that your testimony?
 25 MS. CORBELLO: Objection, form.

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1 A Yes.
 2 Q Who?
 3 A Dylan.
 4 Q Did your immediate supervisor give you
 5 that instruction?
 6 A No.
 7 Q Did you ask Dylan why or demand an
 8 explanation as to why he was instructing you to
 9 follow the superintendent?
 10 A No.
 11 Q In your line of work as a photo journalist
 12 for KFOR, is that typical that you would follow
 13 after an appearance has ended?
 14 A Yes.
 15 Q Okay. What other occasions did that
 16 happen --
 17 A I do not recall.
 18 MS. CORBELLO: Be sure to let her finish
 19 the question.
 20 THE WITNESS: I'm sorry.
 21 MS. CORBELLO: You're good.
 22 Q (By Ms. Carrasco) Are there any occasions
 23 involving Superintendent Walters, where you all
 24 followed after an appearance had ended?
 25 A I can only speak for myself. No.

Page 25

1 Q (By Ms. Carrasco) Please feel free to
 2 clarify.
 3 A Could you clarify, please?
 4 Q Yeah. What was the personal question you
 5 wanted to ask the superintendent that day?
 6 MS. CORBELLO: Objection, form.
 7 THE WITNESS: "Why are you excluding
 8 KFOR?"
 9 Q (By Ms. Carrasco) And to your knowledge,
 10 had your company submitted that question in any
 11 other method other than through you and Mr. Brown?
 12 A I can't speak to that.
 13 I can clarify that I don't do much of the
 14 communications with anyone. I do my job, which is
 15 to video and to acquire audio, and then sometimes to
 16 get body cam, stuff like that, but I do my job.
 17 Q Is it typical, then, in your line of work,
 18 to have the reporter that you are working with or
 19 assigned to, to have them instruct you on what's
 20 next?
 21 A Yes.
 22 Q Okay. Is there a specific criteria you
 23 all are given by your company as to what is
 24 allowable and not allowable?
 25 A Could you be more specific, please?

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF CHARLES MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit C

Charles Miller Attorney Hours for KFOR, et al. v Walters, et al.		
Date	Task	Hours
9/4/2024	Call from KFOR Requesting Representation	0.4
9/4/2024	Factual Research into potential case	0.8
9/5/2024	Receive and review evidence from KFOR; formulate case plan	0.5
9/6/2024	correspondence to KFOR regarding next steps and requesting client intake meeting	0.3
9/6/2024	Reviewing evidence sent by Natalie Hughes at KFOR and discussing meeting time	0.4
9/6/2024	receive and review email from Natalie RE meeting; respond to same	0.1
9/6/2024	research RE each individual potential client	0.3
9/12/2024	prepare for intake meeting	0.3
9/12/2024	Initial intake meeting with client	1
9/12/2024	Follow up discussion with Courtney RE: litigation strategy and division of work	1.5
9/12/2024	Reviewing and responde to email from Nexstar General Counsel RE meeting	0.1
9/12/2024	discussions with CC re facts, claims, and client contact	0.1
9/12/2024	Reviewing emails between CC and Natalie Hughes RE initial litigation strategy	0.1
9/12/2024	contact potential local counsel	0.1
9/13/2024	compose memo to board laying out case strategy and goals, requesting permission to pursue	0.4
9/13/2024	review emails between CC and client RE initial litigation strategy;	0.1
9/16/2024	discussion with local counsel regarding case	0.4
9/16/2024	Reviewing emails between CC and Natalie Hughes RE station employees	0.1
9/16/2024	discussion with CC re cameramen and initial pleadings	0.2
9/17/2024	Review and revise Complaint and TRO motion; research re same	2.5
9/17/2024	run down information about KFOR / Nexstar corporate structure	0.3
9/17/2024	discussions with board members and obtain approval for representation	0.4
9/17/2024	emails to clients and local counsel firming up engagement and discussing PR issues	0.3
9/18/2024	arrange for engagement letter to be drafted and executed	0.4
9/18/2024	Reviewing email from Bob Nelon RE initial case strategy	0.1
9/18/2024	Reviewing email from Alan Gura to Natalie Hughes RE initial case management	0.1
9/19/2024	Reviewing various emails between litigation team and clients	0.3
9/19/2024	discussions with CC re same	0.3
9/20/2024	discussions whether the BOE need to be defendants	0.2
9/20/2024	review and edit client declarations	0.5
9/20/2024	send draft declarations to clients; discussions and revisions regarding the same	0.8
9/20/2024	Email GC for DOE to inform them of intent to file suit on Monday and nature of the claims	0.4
9/20/2024	Emailing Bob Nelon RE initial filings	0.1
9/21/2024	receive declaration revisions from clients; discussions with C re same	0.2
9/22/2024	work to finalize documents for early morning filing tomorrow/Monday	0.6
9/23/2024	arrange for and oversee filing of case	1.2
9/23/2024	receive correspondence from opposing counsel claiming "factual errors"	0.1
9/23/2024	research regarding judge and his courtroom procedures	0.3

9/23/2024	multiple communications with CC regarding status	0.4
9/23/2024	Send filed complaint and motion to opposing counsel; inquire about "factual errors" and request discussion	0.2
9/23/2024	email chambers (D. Wayne Lee), copying counsel, informing court of TRO filing and requesting a hearing date	0.1
9/23/2024	emails with local counsel about whether to supply courtesy copies to AGO; determine that AGO is not representing agency	0.2
9/23/2024	email opposing counsel, request stipulated TRO	0.2
9/23/2024	receive response declining agreement	0.1
9/23/2024	emails with opposing counsel regarding factual allegations, video evidence, and overflow room	0.3
9/23/2024	instruct local counsel to call chambers to request hearing date	0.1
9/23/2024	communications with clients regarding Isset's aggressive response to suit to press and on social media	0.3
9/24/2024	Receive scheduling order from court setting TRO hearing; forward same to opposing counsel	0.1
9/24/2024	inform client that TRO hearing is set; discussions with clients about attending hearing, nature of hearing and expectations	0.8
9/24/2024	correspondence from opposing counsel regarding exhibits and indicating their intention to have a full evidentiary hearing	0.1
9/24/2024	travel to OKC	7.7
9/24/2024	draft supplemental declaration	0.5
9/25/2024	Prepping for hearing	1.5
9/25/2024	Attending TRO Hearing	1
9/25/2024	Return travel from OKC; receive and review order granting TRO; communications regarding the same	6
9/26/2024	Conference with clients RE TRO Order	0.5
9/26/2024	email opposing counsel suggesting consolidation with the merits, agreed extension of TRO, stipulated facts, and deposition scheduling for facts that are not stipulated	0.4
9/27/2024	Reviewing order (dkt. 17) from Court	0.1
9/30/2024	Reviewing order (dkt. 18) from Court setting PI hearing date	0.1
9/30/2024	Communications with co-counsel and clients re PI hearing date and goals to met and confer with opposing counsel	0.3
10/1/2024	Meeting with opposing counsel RE: agreeing to extend TRO and consolidate PI with trial on the merits	0.5
10/1/2024	review proposed joint scheduling order	0.2
10/1/2024	Emailing with opposing counsel RE: draft	0.2
10/1/2024	Email clients RE: meeting with opposing counsel and dates for joint scheduling order	0.1
10/1/2024	Reviewing email from clients to Chip RE: meeting with opposing counsel and dates for joint scheduling order	0.1
10/1/2024	Email court (D. Wayne Lee) RE proposed scheduling order	0.2
10/1/2024	Reviewing email from Shannon Smith to Wayne Lee RE proposed scheduling order	0.1
10/1/2024	Discussions with CC regarding defendants positions regarding scheduling	0.5
10/2/2024	Emailing with opposing counsel re: consent scheduling order	0.5
10/2/2024	revise discovery requests	0.2
10/2/2024	finalize joint motion and proposed order; file same	0.5
10/2/2024	emails with clients regarding "factual inaccuracies", reporting techniques, revisions to stories, and interactions with defendants	0.7

10/7/2024	discussion with CC re discovery requests from defendants; defendants response to TRO	0.4
10/7/2024	receive and review Defenants memorandum opposing preliminaray injunction	0.3
10/7/2024	request depostion dates for defendants	0.3
10/8/2024	review litigation hold letter	0.1
10/8/2024	review Defendants RFAs; discuss response strategy with CC	0.5
10/9/2024	renew request for despistion dates for defendants	0.1
10/10/2024	discussion with client about litigation hold compliance and information they've garnered through internal document review	0.2
10/10/2024	receive and review defenants answer; discussions and research regarding jury demand	0.5
10/11/2024	receive and review court order on jury demand; discussions regarding same	0.3
10/15/2024	communications with counsel for the members of the State School Board regarding third-party discovery requests, and the adequacy of informal responses	0.4
10/21/2024	Reviewing Defendants' response to show cause order re Jury Demand	0.5
10/21/2024	Reviewing email and attachment from Bob Nelon RE: litigation strategy	0.2
10/21/2024	emails with CC RE: Defendants' motion for jury demand	0.3
10/22/2024	Send third written request for deposition dates of defendants to opposing counsel	0.2
10/22/2024	Discussion with CC RE depositions of Walters and Isett	0.2
10/22/2024	email exchange with opposing counsel regarding depositions	0.4
10/23/2024	receive email from opposing counsel expressingly offering a date that they new we were unavailable to depose defendants	0.1
10/23/2024	draft and email defendants notices of depositions for defendants	0.5
10/24/2024	Reeive email from Shannon Smith requesting depositions be remote	0.1
10/25/2024	interactions with substitute counsel for board members regarding third party discovery	0.3
10/28/2024	research, draft, edit, and file response to request for jury demand	3
10/28/2024	Reviewing email from Cara Nicklas (attorney authorized to accept service for OSDE Board Members) Re: 3rd party subpoenas	0.1
10/29/2024	Reviewing order from court (Dkt. 35) re: striking jury demand	0.2
10/29/2024	Reviewing email from Bob Nelon RE: Dkt. 35	0.1
10/29/2024	communicate with client regarding the order	0.2
10/30/2024	Discussion with Courtney RE: depositions	0.5
10/30/2024	teleconference with Shannon Smith regardign discovery, trial dates, settlement, and her imminent departure from ODE; Michael joined to state paralegal quit, so they don't know if they served RFPs; I again encouraged settlement	0.5
10/30/2024	deal with issues surrounding Defendants' demands to depose Nexstar CEO and a marketing exec, both located in Houston; varios emails and teleconferences regarding same.	1
10/30/2024	Email exchange with Natalie Hughes and Wes Milbourn RE court's order (Dkt. 35) and associated filings	0.5
10/30/2024	Reviewing email from Bob Nelon RE litigation strategy	0.1
10/30/2024	Reviewing email from Bradley Clark (OK AAG) RE: subpoenas to OSDE board members	0.1
10/31/2024	Meet with CC RE litigation strategy	1

10/31/2024	lengthy email to opposing counsel re RFPs, their request to delay hearing, deposition dates, corporate deposition notices, and my suggestion that there be a consent judgment resolution	0.5
11/1/2024	Conferring with clients RE: discovery; litigation strategy	1
11/4/2024	Review Defendants discovery responses	0.8
11/4/2024	Discuss with CC the need for a MIL	0.4
11/4/2024	review our draft discovery responses	0.5
11/4/2024	Discuss with CC the wisdom of filing an MSJ in this time frame	0.3
11/4/2024	Discuss possible follow up with defendants and possible motion to compel on their failure to produce any documents	0.2
11/6/2024	Reviewing email from Kortney Nelson RE court reporters for Isett and Walters depositions	0.1
11/7/2024	discuss depo prep and trial prep with CC	0.5
11/7/2024	Reviewing email from Michael Beason RE deposition logistics	0.1
11/7/2024	Reviewing email from Kory Kile RE responsive records search	0.1
11/8/2024	Communicating with clients and Bob Nelon re depositions; incident with Isett at Capitol	1.5
11/8/2024	Reviewing email and attachments from Blythe Hicks RE Matt Langston subpoena response	0.2
11/12/2024	Emailing Natalie Hughes RE: litigation strategy	0.1
11/12/2024	Reviewing email from Natalie Hughes RE: litigation strategy	0.1
11/13/2024	Communicating with client RE recent developments	0.5
11/13/2024	Reviewing email from Natalie Hughes RE: 2025 LSB press credentials	0.1
11/19/2024	Call with CC re depositions	1
11/20/2024	prepare to depose defendants	3.5
11/21/2024	travel to OKC for depositions	6
11/21/2024	additional deposition preparations	2
11/22/2024	depose defendants	4
11/22/2024	return travel from OKC	6
11/22/2024	Call with CC RE: debrief on depositions; discuss trial strategy and issues	1.2
11/25/2024	Call with client RE litigation strategy	1.5
11/25/2024	Reviewing order from court (Dkt. 41) resetting trial start time	0.1
11/25/2024	Reviewing email from Bob Nelon RE trial strategy	0.1
11/25/2024	Reviewing email from Natalie Hughes RE depositions of Isett and Walters	0.2
11/27/2024	Reviewing email and attachments from Kory Kile RE Defendants' supplemental discovery responses	0.5
11/27/2024	Reviewing email and attachments from Kory Kile RE Defendants' witness and exhibit lists	0.2
11/27/2024	Email communication with CC RE: Defendants' witness and exhibits lists	0.3
12/2/2024	review reply brief	1
12/3/2024	revise MIL	0.6
12/2/2024	Reviewing Defendants' supplemental discovery responses, deposition transcripts, witness and exhibit lists; internal communications as to the same	2.4
12/3/2024	Reviewing email from Natalie Hughes RE Defendants' supplemental discovery responses	0.2
12/3/2024	Reviewing Defendants' latest entry of appearance (Dkt. 44); research re attorney	0.1
12/3/2024	Reviewing emails from Natalie Hughes RE trial strategy	0.3
12/3/2024	Reviewing email and attachment from Natalie Hughes RE: reply in support of MPI	0.3

12/3/2024	Reviewing Witness and Exhibit list filed by Defendants (Dkt. 45)	0.2
12/4/2024	Email and conf with CC RE plaintiffs' exhibits	0.5
12/4/2024	Emailing Natalie Hughes and Dylan Brown RE trial strategy	0.1
12/4/2024	various emails with clients and co-counsel regarding trial prep	0.6
12/4/2024	Reviewing Defendants response to motion in limine	0.3
12/5/2024	conference with clients RE preparing for trial	0.5
12/5/2024	Reviewing email from Bob Nelon RE trial prep	0.1
12/5/2024	Reviewing email from Natalie Hughes RE trial strategy	0.1
12/5/2024	Reviewing court order on motion in limine (Dkt. 49)	0.3
12/5/2024	Reviewing Defendants' objections to Plaintiffs' witness and exhibit list	0.3
12/6/2024	Communicating with clients and internally RE subpoenas received	1
12/6/2024	Reviewing Defs filings (dkt. 49-51); conferring with CC and clients as to the same	1.4
12/6/2024	receive request from defendants for settlement terms	0.1
12/6/2024	Meeting with clients and CC RE: settlement	1
12/6/2024	Emailing clients RE recent filings	0.1
12/6/2024	trial prep	3
12/6/2024	Draft objections to Defendants' witness and exhibit list	1.8
12/6/2024	Reviewing email from Bob Nelon RE trial strategy	0.1
12/6/2024	Reviewing email from Bob Nelon RE settlement	0.1
12/6/2024	Emailing David Whaley RE settlement	0.1
12/7/2024	trial prep	2.5
12/8/2024	trial prep	3.3
12/9/2024	Trial prep	4
12/9/2024	Travel to OKC	6
12/9/2024	Text discussion with Courtney RE Settlement and trial prep meetings	0.1
12/10/2024	Meetings with clients RE preparing for trial; settlement discussions	5
12/10/2024	Trial prep	3
12/10/2024	Settlement discussions with opposing counsel	1
12/10/2024	Drafting proposed Settlement Agreement	1.5
12/10/2024	Phone call with Bob Nelon RE settlement	0.3
12/11/2024	trial prep	1.5
12/11/2024	Trial/Settlement	3
12/11/2024	Client meeting RE: settlement & next steps	2.25
12/11/2024	return travel from OKC	8
2/4/2024	Drafting Attorneys Fees Declaration in Support	3.3
Total Hours		149.05

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Exhibit D

THE FITZPATRICK MATRIX

Hourly Rates (\$) for Legal Fees for Complex Federal Litigation in the District of Columbia

Years Exp. / Billing Yr.	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
35+	535	563	591	619	647	675	703	731	736	760	807	864
34	534	562	590	618	646	674	702	729	734	758	805	862
33	532	560	588	616	644	672	700	728	733	757	804	861
32	530	558	586	614	642	670	698	726	730	754	801	858
31	527	555	583	611	639	667	695	723	728	752	799	856
30	524	552	580	608	636	664	692	720	725	749	795	851
29	521	549	577	605	633	661	689	717	721	745	791	847
28	517	545	573	601	629	657	685	713	717	741	787	843
27	512	540	568	596	624	652	680	708	713	736	782	838
26	508	536	564	592	620	648	676	704	708	731	776	831
25	502	530	558	586	614	642	670	698	703	726	771	826
24	497	525	553	581	609	637	665	693	697	720	765	819
23	491	519	547	575	603	630	658	686	691	714	758	812
22	484	512	540	568	596	624	652	680	684	707	751	804
21	477	505	533	561	589	617	645	673	677	699	742	795
20	470	498	526	553	581	609	637	665	670	692	735	787
19	462	490	518	546	574	602	630	658	662	684	726	778
18	453	481	509	537	565	593	621	649	653	675	717	768
17	445	473	500	528	556	584	612	640	645	666	707	757
16	435	463	491	519	547	575	603	631	635	656	697	746
15	426	454	482	510	538	566	593	621	626	647	687	736
14	416	443	471	499	527	555	583	611	615	635	674	722
13	405	433	461	489	517	545	573	601	605	625	664	711
12	394	422	450	478	506	534	562	590	594	614	652	698
11	382	410	438	466	494	522	550	578	582	601	638	683
10	371	399	427	455	483	510	538	566	570	589	625	669
9	358	386	414	442	470	498	526	554	558	576	612	655
8	345	373	401	429	457	485	513	541	545	563	598	640
7	332	360	388	416	444	472	500	528	532	550	584	625
6	319	347	375	403	431	458	486	514	518	535	568	608
5	305	332	360	388	416	444	472	500	504	521	553	592
4	290	318	346	374	402	430	458	486	489	505	536	574
3	275	303	331	359	387	415	443	471	474	490	520	557
2	260	287	315	343	371	399	427	455	458	473	502	538
1	244	272	300	328	356	384	412	439	442	457	485	519
0	227	255	283	311	339	367	395	423	426	440	467	500
P*	130	140	150	160	169	179	189	199	200	207	220	236

* = Paralegals/Law Clerks

Explanatory Notes

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared to assist with resolving requests for attorney's fees in complex civil cases in District of Columbia federal courts handled by the Civil Division of the United States Attorney's Office for the District of Columbia. It has been developed to provide "a reliable assessment of fees charged for complex federal litigation in the District [of Columbia]," as the United States Court of Appeals for the District of Columbia Circuit urged. *DL v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, nor has it been adopted by other Department of Justice components.
2. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *E.g.*, 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b). A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). The matrix is not intended for use in cases in which the hourly rate is limited by statute. *E.g.*, 28 U.S.C. § 2412(d).
3. For matters in which a prevailing party agrees to payment pursuant to this fee matrix, the United States Attorney's Office will not request that a prevailing party offer the additional evidence that the law otherwise requires. *See, e.g., Eley v. District of Columbia*, 793 F.3d 97, 104 (D.C. Cir. 2015) (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995) (requiring "evidence that [the] 'requested rates are in line with those prevailing in the community for similar services'")).
4. The years in the column on the left refer to an attorney's years of experience practicing law. Normally, an attorney's experience will be calculated based on the number of years since an attorney graduated from law school. If the year of law school graduation is unavailable, the year of bar passage should be used instead. Thus, an attorney who graduated from law school in the same year as the work for which compensation is sought has 0 years of experience. For all work beginning on January 1 of the calendar year following graduation (or bar admission), the attorney will have 1 year of experience. (For example, an attorney who graduated from law school on May 30 will have 0 years of experience until December 31 of that same calendar year. As of January 1, all work charged will be computed as performed by an attorney with 1 year of experience.) Adjustments may be necessary if an attorney did not follow a typical career progression or was effectively performing law clerk work. *See, e.g., EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate).
5. The data for this matrix was gathered from the dockets of cases litigated in the U.S. District Court for the District of Columbia using the following search in Bloomberg Law: keywords ("motion n/5 fees AND attorney!") + filing type ("brief," "motion," or "order") + date ("May 31, 2013 – May 31, 2020" under "Entries (Docket and Documents)"). This returned a list of 781 cases. Of those, cases were excluded if there was no motion for fees filed, the motions for fees lacked necessary information, or the motions involved fees not based on hourly rates, involved rates explicitly or implicitly based on an existing fee matrix, involved rates explicitly or implicitly subject to statutory fee caps (*e.g.*, cases subject to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)), or used lower rates prescribed by case law (*e.g., Eley*, 793 F.3d at 105 (Individuals with Disabilities in Education Act cases)). After these excisions, 86 cases, many

of which included data for multiple billers (and 2 of which only provided hourly rate data for paralegals), remained.

6. The cases used to generate this matrix constitute complex federal litigation—which caselaw establishes as encompassing a broad range of matters tried in federal court. *E.g.*, *Reed v. District of Columbia*, 843 F.3d 517, 527-29 (D.C. Cir. 2016) (Tatel, J., concurring) (noting that cases arising under the Freedom of Information Act, Title VII, the Americans with Disabilities Act, Constitutional Amendments, antitrust statutes, and others have been deemed complex, and even “relatively small” cases can constitute complex federal litigation, as they too require “specialized legal skills” and can involve “complex organizations,” such as “large companies”); *Miller v. Holzmann*, 575 F. Supp. 2d 2, 14-16, 17 (D.D.C. 2008) (prevailing market rates for complex federal litigation should be determined by looking to “a diverse range of cases”). That the attorneys handling these cases asked the court to award the specified rates itself demonstrates that the rates were “adequate to attract competent counsel, [while] not produc[ing] windfalls to attorneys.” *West v. Potter*, 717 F.3d 1030, 1033 (D.C. Cir. 2013) (quoting *Blum v. Stenson*, 465 U.S. 886, 897 (1984)). As a consequence, the resulting analysis yields the “prevailing market rate[] in the relevant community” for complex litigation undertaken in federal courts in the District of Columbia. *See Blum*, 465 U.S. at 895.
7. From these 86 complex federal cases, the following information was recorded for 2013 and beyond: hourly rate, the calendar year the rate was charged, and the number of years the lawyer was out of law school when the rate was charged (or, if law school graduation year was unavailable, years since bar passage), as defined above. If the graduation or bar passage year was not stated in a motion or its exhibits, then the lawyer’s biography was researched on the internet. Although preexisting fee matrices for the District of Columbia provide for mid-year rate changes, very few lawyers in the data submitted rates that changed within a calendar year. For this reason, the matrix was modeled using one rate for each calendar year. On the occasions when a lawyer expressed an hourly rate as a range or indicated the rate had increased during the year, the midpoint of the two rates was recorded for that lawyer-year.
8. The matrix of attorney rates is based on 675 lawyer-year data points (one data point for each year in which a lawyer charged an hourly rate) from 419 unique lawyers from 84 unique cases. The lawyer-year data points spanned from years 2013 to 2020, from \$100 to \$1250, and from less than one year of experience to 58 years.
9. Paralegal/law clerk rates were also recorded. The following titles in the fee motions were included in the paralegal/law clerk data: law clerk, legal assistant, paralegal, senior legal assistant, senior paralegal, and student clerk. The paralegal/law clerk row is based on 108 paralegal-year data points from 42 unique cases. They spanned from 2013 to 2019 and from \$60 to \$290. (It is unclear how many unique persons are in the 108 data points because paralegals were not always identified by name.)
10. The matrix was created with separate regressions for the lawyer data and the paralegal data. For the paralegal data, simple linear least-squares regression was used with the dependent variable hourly rate and the independent variable the year the rate was charged subtracted from 2013; years were combined into one variable and subtracted from 2013 rather than modeled as separate indicator variables to constrain annual inflation to a constant, positive number. The resulting regression formula was rate =

129.8789 + 9.902107 * (year-2013). For the lawyer data, least-squares regression was used with the dependent variable hourly rate and independent variables the year the rate was charged and the number of years of experience of the lawyer when the rate was charged. The year the rate was charged was subtracted from 2013 and modeled linearly as with the paralegal data. The number of years out of law school (or since year of bar passage) was modeled with both linear and squared terms, as is common in labor economics to account for non-linear wage growth (e.g., faster growth earlier in one's career than at the end of one's career). See, e.g., Jacob Mincer, *Schooling, Experience, and Earnings* (1974). The resulting regression formula was $\text{rate} = 227.319 + 16.54492 * \text{experience} - 0.2216217 * \text{experience}^2 + 27.97634 * (\text{year}-2013)$. Regressions were also run with log transformed rates and with a random-effect model (to account for several lawyers appearing more than once in the data), but both alternatives resulted in mostly lower rates than those reflected here; in order to minimize fee disputes, these models were therefore rejected in favor of the more generous untransformed, fixed-effect model. Rates from one case comprised 20% of the data; the regression was also run without that case, but the resulting rates were mostly lower and therefore rejected, again to minimize fee disputes.

11. The data collected for this matrix runs through 2020. To generate rates after 2020, an inflation adjustment (rounded to the nearest whole dollar) has been added. The United States Attorney's Office determined that, because courts and many parties have employed the legal services index of the Consumer Price Index to adjust attorney hourly rates for inflation, this matrix would do likewise. E.g., *Salazar v. District of Columbia*, 809 F.3d 58, 64-65 (D.C. Cir. 2015); *Eley*, 793 F.3d at 101-02; *DL*, 924 F.3d at 589-90. That was the approach followed for the years 2021 through and including 2023. However, the Bureau of Labor Statistics has now ceased consistently publishing monthly data for the legal services index of the Consumer Price Index. As an alternative, the legal services index of the Producer Price Index, which continues regularly to provide updated data, has been used to generate the rates for 2024.
12. This matrix was researched and prepared by Brian Fitzpatrick, the Milton R. Underwood Chair in Free Enterprise and Professor of Law at Vanderbilt Law School, with the help of his students.
13. This matrix and an alternative, preexisting matrix were extensively examined, and, based on that analysis, this matrix was the one selected for computation of the hourly rates for the attorneys' fees awarded in *J.T. v. District of Columbia*, 652 F. Supp. 3d 11 (D.D.C. 2023) (Howell, C.J.), and in *Brackett v. Mayorkas*, Civ. A. No. 17-0988, 2023 WL 5094872 (D.D.C. Aug. 9, 2023) (Boasberg, C.J.).

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV,
et al.,

Plaintiffs,

v.

RYAN WALTERS, et al.,

Defendants.

Case No. 5:24-cv-00980-J

AFFIDAVIT OF CHARLES MILLER IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES AND COSTS PURSUANT TO 42 U.S.C. § 1988(B)

Exhibit E

Fitzpatrick Matrix Calculator

Fitzpatrick Matrix Fee Report

Generated on: February 10, 2025 at 12:37 PM

Total Fees

Total Fees: \$121,028.60

Fee Breakdown

1. Charles Miller (2024): \$121,028.60

Rate: \$812.00

Yearly Totals

1. 2024: \$121,028.60

Individual Totals

1. Charles Miller: \$121,028.60

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

NEXSTAR MEDIA, INC. d/b/a KFOR-TV; *et al.*,

Plaintiffs,

v.

RYAN WALTERS, *et al.*;

Defendants.

Case No. 24-CV-00980-J

AFFIDAVIT OF ROBERT D. NELON IN SUPPORT OF ATTORNEYS' FEES

I, Robert D. Nelon, of lawful age, under oath, states as follows:

1. I am an attorney, formerly a shareholder and currently Of Counsel to Hall Estill, and a member in good standing of the bar of the State of Oklahoma. I have personal knowledge of the matters set forth in this affidavit.

2. I am the local counsel representing the plaintiffs in the above-captioned case in conjunction with lead counsel from the Institute for Free Speech, Charles Miller and Courtney Corbello. This affidavit is submitted in support of the plaintiffs' motion for attorneys' fees and costs under 42 U.S.C. §§ 1983 and 1988.

Background and Experience of Counsel

3. I have practiced law for nearly 54 years since graduating from the University of Oklahoma College of Law in 1971, first as a JAG officer in the Marine Corps and then in private practice.¹ I have approximately 47 years of experience representing media clients, and I am the senior attorney in Hall Estill's Media Law Practice Group. Representation of media clients has involved pre-publication counseling and review; defense of defamation, privacy, and related claims; litigation to obtain access to public places and documents; defense of subpoenas issued to media outlets; and the presentation of anti-SLAPP motions under the Oklahoma Citizens Participation Act. My litigation experience has involved work at trial and appellate levels in both state and federal courts.

4. Newspapers, magazines, television stations and networks, book publishers, and internet service providers have been my clients, as have individual journalists. At one time or another through the years, I have represented newspapers such as *The Oklahoman*, *Tulsa World*, *Bartlesville Examiner-Enterprise*, *Seminole Producer*, *New York Times*, *Los Angeles Times*,

¹ From 1966 through 1970, during college and law school, I served as a part-time law clerk for the Attorney General of Oklahoma.

Washington Post, *Wall Street Journal*, and *USA Today*; magazine publishers such as Time Inc. (*Sports Illustrated*) and Conde Nast (*GQ*); television stations KFOR (Channel 4), KOCO (Channel 5), KWTU (Channel 9), and KOKH (Channel 25) in Oklahoma City, KJRH (Channel 2) and KTUL (Channel 8) in Tulsa, KTEN (Channel 10) in Ada/Sherman/Denison, and KSWO (Channel 7) in Lawton; television networks such as ABC, CBS, NBC, CNN, AETN, and Discovery; investigative weblogs such as Oklahoma Watch, Oklahoma Voice, and The Frontier; book publishers such as Random House and St. Martin's Press; ISPs such as Twitter; and best-selling authors such as John Grisham and P.C. Cast. I have also done *pro bono* and *amicus* work for organizations such as Reporters Committee for Freedom of the Press (RCFP), Investigative Reporters & Editors (IRE), Foundation for Individual Rights and Expression (FIRE), Center for Investigative Reporting (Reveal), the Oklahoma Press Association, and the Oklahoma Association of Broadcasters. Hall Estill is a member of the Defense Counsel Section—an international association of media lawyers—that is a subgroup of the Media Law Resource Center, an organization headquartered in New York consisting of major publishing, broadcast, and internet media outlets. I previously served on the Executive Committee and as President of the Defense Counsel Section. I have been recognized each year for several years as a Best Lawyer in America in First Amendment Law and Litigation—First Amendment and an Oklahoma Super Lawyer in First Amendment as well as in Media and Advertising Law. In May 2024, I received the Lifetime Achievement Award and was inducted into the Oklahoma Journalism Hall of Fame.

5. Although Hall Estill's media law practice is wide-ranging, it tends to be weighted toward defending defamation, privacy, and similar tort suits brought against its clients. The firm's experience in handling a civil rights claim such as the one in this case is limited, primarily because the instances in Oklahoma in which government officials like the defendants here have so brazenly violated the rights of publishers and broadcasters have been few. My primary experience in this particular litigation arena dates back to my work representing local and national media in access issues related to the Oklahoma City bombing and the criminal proceedings which followed.

6. Media law, in all its aspects, is a unique, niche practice area. In Oklahoma at present, there are fewer than a half dozen lawyers—and even fewer still in the Western District of Oklahoma—who could genuinely describe themselves as media lawyers.

7. At the request of the clients, I assisted IFS counsel on this matter by preparing, reviewing, and editing pleadings, providing advice regarding local practices and procedures, and appearing in depositions and court proceedings. While I was out of town, Alexandra G. Speed, an associate attorney at Hall Estill, attended depositions in my place.

Attorneys' Fees Charged to and Sought by the Plaintiffs are Reasonable

8. I am familiar with federal jurisprudence regarding the calculation of attorneys' fees. The touchstone of determining a reasonable fee award is the "lodestar." *Zinna v. Congrove*, 680 F.3d 1236, 1242 (10th Cir. 2012). The "lodestar" calculation is based on "the total number of hours reasonably expended multiplied by a reasonable hourly rate—and then adjust the lodestar upward or downward to account for the particularities of the suit and its outcome." *Id.* (internal citations and quotations omitted). The lodestar figure "is the presumptively reasonable fee." *Metz v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 39 F.3d 1482, 1493 (10th Cir. 1994).

9. In assessing “the total number of hours reasonably expended,” the Court may consider (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); FRCP 54.

10. Although the Court must address these factors, not every factor will apply in the circumstances of a particular case. *See Uselton v. Commercial Lovelace Motor Freight, Inc.*, 9 F.3d 849, 854 (10th Cir. 1993). The proper focus of the inquiry remains the rates “in line with those prevailing in the community for similar services provided by lawyers of reasonably comparable, skill, experience and reputation.” *Blum v. Stenson*, 465 U.S. 886, 895 (1984).

11. Attached hereto as Exhibit A is a true and correct summary of the time Ms. Speed and I spent on the above-captioned matter from September 17, 2024 through January 9, 2025. As Exhibit A indicates, Hall Estill attorneys spent 62.4 hours for the plaintiffs on this matter.

12. In my opinion, the time expended was reasonable and necessary in light of the issues in the case and the nature of the work done. We performed tasks commensurate with our experience and our work did not unreasonably duplicate effort. In particular, in representing the plaintiffs, Hall Estill legal professionals performed the following tasks:

(a) I reviewed and edited a draft of the complaint and motions for TRO/injunction, reviewed the defendants’ responsive pleading, and assisted lead counsel from IFS in preparing other submissions to the Court, such as the motion *in limine*.

(b) I reviewed the parties’ submissions with respect to, and prepared for and attended a hearing on, the TRO and later what was to be a hearing on a permanent injunction.

(c) I assisted lead counsel in drafting proposed orders and reviewed orders issued by the Court.

(d) I assisted lead counsel in preparing discovery requests to the defendants and responding to discovery requests from them, and I attended to other discovery matters.

(e) I prepared for and attended the depositions of Dylan Brown, Kevin Josephy, and Gage Shaw. Ms. Speed prepared for and attended the depositions of Ryan Walters and Dan Isett

(f) Throughout the proceedings, we helped our client and lead counsel formulate litigation strategy; communicated with our client, lead counsel, and opposing counsel about the suit; and participated in settlement discussions leading to the successful conclusion of the litigation.

13. In my opinion, the hourly rates at which we billed the plaintiffs for our work are reasonable under all the circumstances.

14. The Hall Estill firm establishes hourly billing rates each year for the attorneys and other legal professionals in the firm, based on level of experience. The firm-established rates charged to the plaintiffs during the relevant period are as follows:

Attorney	Billed Rate
Robert D. Nelon	\$575.00
Alexandra G. Speed	\$225.00

15. The reasonableness of the rates assigned to or billed by Hall Estill lawyers, measured by whether they are “in line with those prevailing in the community for similar services provided by lawyers of reasonably comparable, skill, experience and reputation,” *Blum, supra*, 465 U.S. at 895, is difficult to gauge objectively. Nevertheless, in my opinion, the rates charged in this case are reasonable for several reasons:

(a) In consultation with each of the legal professionals at Hall Estill, the firm—assigns rates each year that feedback from clients and the general knowledge of the attorneys in the firm indicate are within the range of current rates for attorneys of comparable experience in Oklahoma City and Tulsa for given practice areas. To a degree, the business organizations that are clients of the firm, but who often use the services of more than one firm, inform us what billing rate is reasonable because that is what they are willing to pay for our services.

(b) Representing media clients in connection with their speech and press rights is a highly specialized area of practice. In the tort arena, after the U.S. Supreme Court began to “constitutionalize” speech-based torts beginning with the *New York Times v. Sullivan* case in 1964, numerous complex and subtle issues have arisen regarding the elements of these torts, as a result of which this area of the law has taken on a complexity not always seen in other areas of tort practice. The adoption of anti-SLAPP statutes such as the Oklahoma Citizens Participation Act has added another layer of complexity. Combatting efforts, especially by government officials as in this case, to limit media access to information requires a specialized knowledge of constitutional principles as well as an understanding of civil rights laws and statutory provisions such as freedom of information, open records, and open meetings laws.

(c) Because of these complexities, there are only a few lawyers in this state who are qualified to and regularly engage in the First Amendment and other media law practice areas, and most of them practice in urban communities. Given the limited number of lawyers who practice media law, I believe the rates established for the Hall Estill lawyers who practice in these substantive areas should be treated as the “standard” rates of the legal community in which the attorneys practice. I do not recall any circumstance in which a media client of mine questioned or objected to the billing rate I used to charge for my services.

16. The “lodestar” value of legal services provided by Hall Estill to the plaintiffs in this case—the time spent by each legal professional multiplied by the billed rate—totals \$34,630.00, as shown in Exhibit A.

17. In my opinion, this “lodestar” value is reasonable for several reasons:

(a) Oklahoma has “a strong presumption that the lodestar method, alone, will

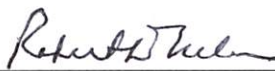
reflect a reasonable attorney fee.” *First National Bank & Trust Co. of Ardmore v. Kelly*, 2019 OK CIV APP 57, ¶9, 451 P.3d 203 (quoting *Parsons v. Volkswagen of America, Inc.*, 2014 OK 111, 341 P.3d 662). The same is true in federal courts; the lodestar figure “is the presumptively reasonable fee.” *Metz, supra*, 39 F.3d at 1493.

(b) In forming my opinion, I have considered the time and labor required; the novelty and difficulty of the questions presented; the skill required to perform the legal service properly; the important constitutional and statutory principles involved and the results obtained; and the experience, reputation, and ability of the attorneys.

18. In addition, the actual and reasonable costs and expenses in the above-captioned case billed to the plaintiffs total \$1,004.60, as reflected in Exhibit B. These costs and expenses for filing fees and printing are recoverable.

19. The plaintiffs will incur additional attorneys’ fees in connection with this motion. It is estimated that the undersigned counsel will spend 8–10 hours—having a value of around \$5–7,000—in helping prepare the plaintiff’s motion for attorneys’ fees and costs, responding to any opposition to it submitted by the defendants, and presenting the motion to the Court. A reasonable attorneys’ fee award includes compensation for work done on preparing and presenting the fees application. *See, e.g., Case v. Unified Sch. Dist. No. 233, Johnson Cty., Kan.*, 157 F.3d 1243, 1254 (10th Cir. 1998); *Mares v. Credit Bureau of Raton*, 801 F.2d 1197, 1205 (10th Cir. 1986); *Schneider v. CitiMortgage, Inc.*, No. 13-4094-SAC, 2018 WL 3068172, at *3 (D. Kan. June 21, 2018). Accordingly, at a hearing, the plaintiffs will request, and provide supporting data regarding, additional fees in connection with this motion.

February 5, 2025.



Robert D. Nelon

Subscribed and sworn to before me this 5th day of February, 2025.



Notary Public

My Commission Expires:
07/24/27



Date	TKPR Name	Base Amt	Bs Hrs	Narrative
9/17/2024	Nelson, Robert, D.	\$172.50	0.3	Telephone conference with C. Miller (IFS).
9/20/2024	Nelson, Robert, D.	\$2,185.00	3.8	Exchange multiple email messages with C. Miller; review draft of complaint; conference with staff re service of process, ancillary papers needed for filing.
9/23/2024	Nelson, Robert, D.	\$3,047.50	5.3	Attend to finalizing of suit papers for filing; receipt and review of ECF notifications of filing; exchange multiple email messages with C. Miller; telephone conference with C. Corbello; review N. Hughes, D. Brown declarations; review C. Miller email communications with OSDE counsel; telephone conference with D. Lee (Judge B. Jones' courtroom deputy) re hearing on TRO.
9/24/2024	Nelson, Robert, D.	\$1,667.50	2.9	Receipt and review of ECF notification re 9/25 hearing, and forward to C. Miller, C. Corbello; telephone conference and exchange multiple email messages with C Miller, C. Corbello; telephone conference with W. Milbourn; review multiple email communications with client, opposing counsel re hearing; review Oklahoma Open Meetings law; receipt and review of defendants' witness and exhibit lists, exhibits; exchange email messages with S. Johnson; email message to C. Reilly, J. Roberts.
9/25/2024	Nelson, Robert, D.	\$2,472.50	4.3	Finish prep for TRO hearing; re-hearing conference with C. Miller, C. Corbello, D. Brown; appearance before Judge B. Jones for TRO hearing; receipt and review of ECF notifications re grant of pro hac motions, and forward to C. Miller, C. Corbello.; receipt and review of order granting TRO; multiple email communications with client, C. Miller, C. Corbello re same; exchange email messages with R. Rivera (The Oklahoman) re D. Islett email about 9/26 OSDE board meeting, protocol and convey information to client.
9/30/2024	Nelson, Robert, D.	\$115.00	0.2	Receipt and review of order setting preliminary injunction hearing, and forward to W. Milbourn,, N. Hughes; exchange email messages with C. Miller.
10/1/2024	Nelson, Robert, D.	\$287.50	0.5	Telephone conference with C. Corbello re Zoom meeting with opposing counsel re preliminary injunction hearing and trial; review draft of motion to set schedule and fix trial date; email message to C. Corbello.
10/2/2024	Nelson, Robert, D.	\$1,322.50	2.3	Review and participate in communications among counsel re proposal to court to consolidate PI hearing and trial on the merits; review draft motion; review draft written discovery requests to defendants.; email message to C. Corbello re discovery requests.
10/3/2024	Nelson, Robert, D.	\$747.50	1.3	Receipt and review of order setting PI hearing date and pre-hearing schedule; quick review of discovery requests served on defendants.
10/7/2024	Nelson, Robert, D.	\$287.50	0.5	Review C. Corbello email to S. Smith, M. Beeson re deposition schedule; receipt and review of defendants' discovery requests to Nexstar.
10/8/2024	Nelson, Robert, D.	\$115.00	0.2	Receipt and review of defendants' RFA to Nexstar; email message to C. Miller, C. Corbello.
10/10/2024	Nelson, Robert, D.	\$115.00	0.2	Receipt and review of defendants' answer to complaint; email message to C. Miller, C. Corbello re Oklahoma Watch article re Walters.
10/11/2024	Nelson, Robert, D.	\$172.50	0.3	Review C. Corbello letter and subpoenas to State Board of Education members.
10/21/2024	Nelson, Robert, D.	\$345.00	0.6	Receipt and review of defendant's response to show cause order re right to jury trial.
10/23/2024	Nelson, Robert, D.	\$287.50	0.5	Exchange email messages with C., Miller; draft deposition notice for R. Walters.
10/24/2024	Nelson, Robert, D.	\$115.00	0.2	Exchange email messages with C. Miller re filing deposition notices.
10/25/2024	Nelson, Robert, D.	\$517.50	0.9	Review local media coverage of OSDE counsel situation; exchange multiple email messages with C. Miller re counsel situation at OSDE, Walters/Issett depositions.

EXHIBIT**A**

10/29/2024	Nelon, Robert, D.	\$172.50	0.3 Receipt and review of order denying defendants' request for jury trial; exchange email messages with C. Miller.
10/31/2024	Nelon, Robert, D.	\$287.50	0.5 Review email exchange between S, Smith and C, Miller re depositions, extension of deadlines.
11/1/2024	Nelon, Robert, D.	\$172.50	0.3 Exchange email messages with C. Corbello re answer to interrogatory about KFOR legal actions; review list of KFOR cases in recent years..
11/4/2024	Nelon, Robert, D.	\$2,185.00	4.8 Review files and construct list of KFOR litigation during last five years to answer defendants' interrogatory no. 22; exchange email messages with C. Corbello; review plaintiffs' draft discovery responses; receipt and review of defendants' discovery responses.
11/12/2024	Nelon, Robert, D.	\$632.50	1.1 Prepare for and participate in G. Shaw deposition prep with C. Corbello, N. Hughes.
11/15/2024	Nelon, Robert, D.	\$1,265.00	2.6 Participate with N. Hughes, C. Corbello in video conference for deposition prep of D. Brown, K. Josephy..
11/18/2024	Nelon, Robert, D.	\$517.50	0.9 Exchange multiple email messages with C. Corbello, N. Hughes; receipt and review of EOA from V. Carrasco; research re identity of V. Carrasco, and email to C. Miller re same.; receipt and review of KFOR Amended Response to RFA 6; email message to D. Brown; attend to logistics of upcoming depositions.
11/19/2024	Nelon, Robert, D.	\$2,127.50	3.7 Conferences with C. Corbello, D. Brown; attend deposition of D. Brown.
11/20/2024	Speed, Alexandra	\$22.50	0.1 Strategy meeting with B. Nelon regarding R. Walters deposition
11/20/2024	Nelon, Robert, D.	\$1,610.00	3.3 Conferences with C. Corbello, K. Josephy, G. Shaw; attend deposition of K. Josephy; attend deposition of G. Shaw; email message to C. Miller.
11/20/2024	Speed, Alexandra	\$292.50	1.3 Reviewing the pleadings of the case in preparation for deposition of R. Walters
11/22/2024	Speed, Alexandra	\$562.50	2.5 Attending depositions of R. Walters and D. Isett
11/25/2024	Nelon, Robert, D.	\$920.00	2 Receipt and review of video of Walters and Isett depositions; email message to C. Miller, C. Corbello re same.
12/2/2024	Nelon, Robert, D.	\$1,782.50	3.1 Review defendants' supplemental discovery responses and witness and exhibit lists; review and revise D. Corbello draft of reply in support of PI; exchange email messages with C. Corbello.
12/3/2024	Nelon, Robert, D.	\$1,035.00	1.8 Exchange email messages with C. Corbello re draft of PI reply brief; review drafts of S. Humphreys and D. Brown affidavits; email message to N. Hughes re same.; review email exchanges among counsel re document production; review and revise C. Corbello draft of motion in limine; email message to C. Miller, C. Corbello re same.
12/4/2024	Nelon, Robert, D.	\$230.00	0.4 Exchange multiple email messages with C. Corbello re witness and exhibit lists.
12/6/2024	Nelon, Robert, D.	\$345.00	0.6 Exchange email messages with C. Corbello; partial review of current filings; review email exchanges between C. Miller, C. Corbello, N. Hughes; email message to N. Hughes, et al.; review email message to OSDE re settlement terms.
12/9/2024	Nelon, Robert, D.	\$345.00	0.6 Receipt and review of order granting Nexstar's motion in limine in part; exchange email messages with C. Corbello and client re order.
12/10/2024	Nelon, Robert, D.	\$2,472.50	4.3 Conference with W. Milbourn. N. Hughes, C. Miller, C. Corbello and witnesses to prepare for trial, discuss strategy re possible settlement.
12/11/2024	Nelon, Robert, D.	\$2,070.00	3.6 Appearance before Judge B. Jones for trial; conferences with clients, co-counsel, opposing parties and counsel re settlement.
12/12/2024	Nelon, Robert, D.	\$172.50	0.3 Review R. Walters, D. Isett social media posts following entry of permanent injunction; review D. Isett email message to N. Hughes.
1/2/2025	Nelon, Robert, D.	\$632.50	1.1 Make minor revision to Exhibit C to petition in error (issues on appeal); review appeal papers before filing.

1/9/2025	Nelon, Robert, D.	\$805.00	1.4	Review spreadsheet of fees/disbursements incurred in case; exchange email messages with C. Corbello re form and structure of fees application and supporting affidavits.
1/24/2025	Nelon, Robert, D.	\$0.00	0	Exchange email messages with C. Corbello; draft affidavit to support attorneys' fees application.
		\$34,630.00	62.4	

Date	Cost Code	Billed Amt	Narrative	Prebill Narrative
9/24/2024	XXP	\$32.20	Laser Printing; Final, 161 Page(s)	
			VENDOR: American Express; INVOICE#:	Filing fee - Oklahoma Western
9/23/2024	FILING	\$405.00	144196; DATE: 9/23/2024	District Court
			VENDOR: American Express; INVOICE#:	Filing fee - Oklahoma Western
9/23/2024	FILING	\$100.00	186008; DATE: 9/23/2024	District Court
			VENDOR: American Express; INVOICE#:	Filing fee (2 of 2) - Oklahoma
9/23/2024	FILING	\$100.00	166415; DATE: 9/23/2024	Western District Court
			VENDOR: Daniel R. Dick; INVOICE#:	Professional services rendered
9/26/2024	PROF	\$150.00	092624	by Daniel R. Dick
12/9/2024	XXP	\$217.40	Laser Printing; Final, 1087 Page(s)	
		\$1,004.60		

EXHIBIT
B