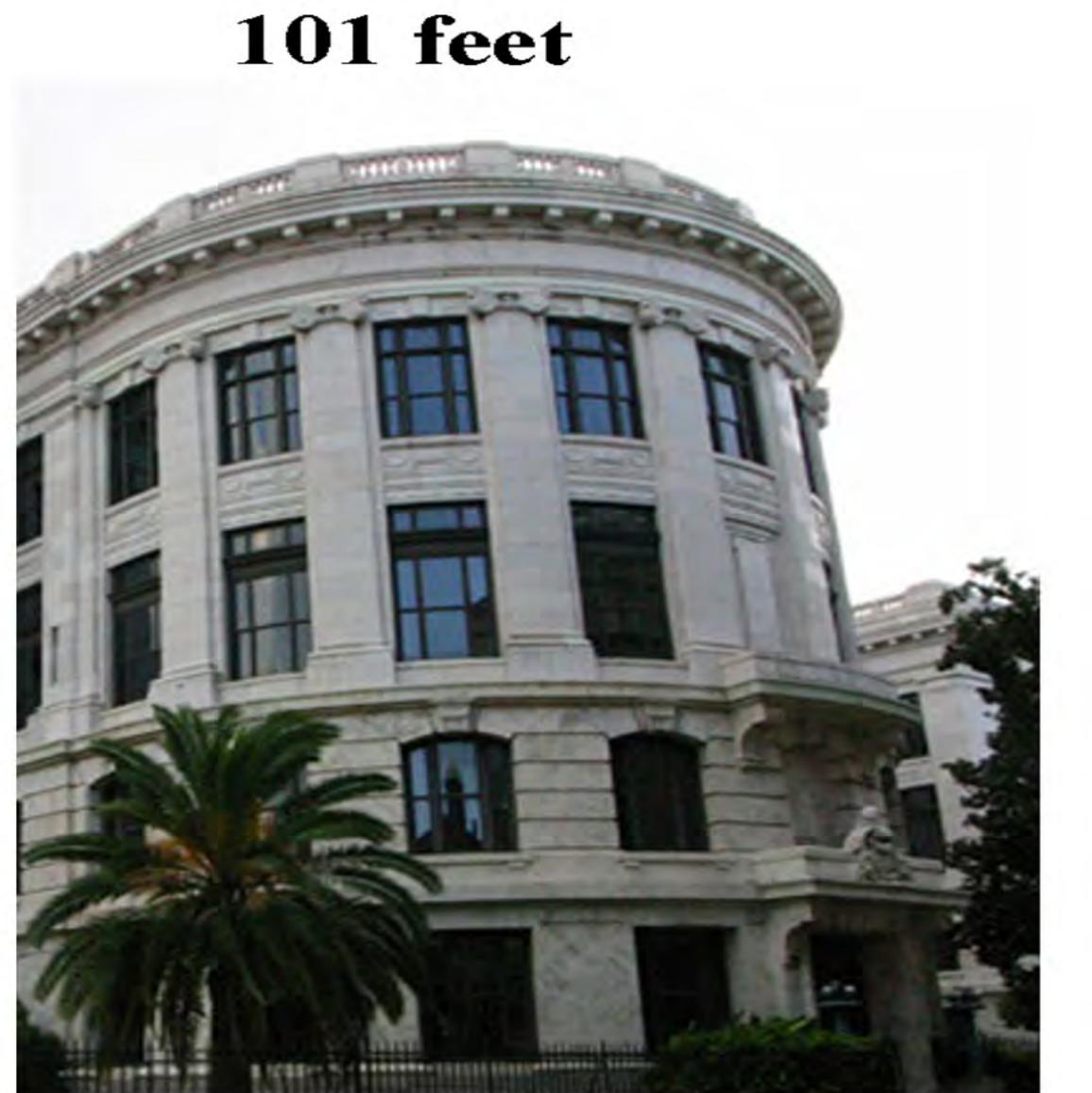
THE TRIAL COURT ERRED IN REDUCING 1,098 EARNED HOURS

1. 12 years of detailed timesheets document 6,500+ hours.

2. The record mandates 6,500+ hours for 12 years work.

- Nation's longest & largest single-client ADA case
- \$13.8 million injunction / \$400,000 / scholarship
- 15,000 violations in 1.35 million square feet
- \$2,128.97 per hour in value
- 250,000 page client file
- 17,684 electronic client files (2010)
- 850 pages plaintiffs' original briefs (2013)
- 7,500 pages plaintiffs' exhibits (2010)
- 15 days trial/hearings & 56 days of appearances





3. All four experts opine 6,500 hours carned in nine years.

EDWARD FONTI: "I read every entry . . . I wouldn't cut a single hour."

JONATHAN PREJEAN: "I consider 6,000-6,500 hours of attorney time [over nine years] entirely reasonable for such a case. I have also reviewed the billing summary for this case, and the billing entries appear to reflect resasonble tasks to be performed personally by an experienced attorney."

THOMAS LORENZI: "I consider it completely reasonable and consistent with local billing practices for a case of this length and impact to require 6,000 or more hours of billable time to prosecute during the last nine years."

WINFIELD LITTLE: "I consider it completely reasonable and consistent with local billing practices for a case of this length and impact to require 6,000 or more hours of billable time to prosecute."

(R. 32:7887-88; 20:4987-94; 20:4958-60; 4977-83)

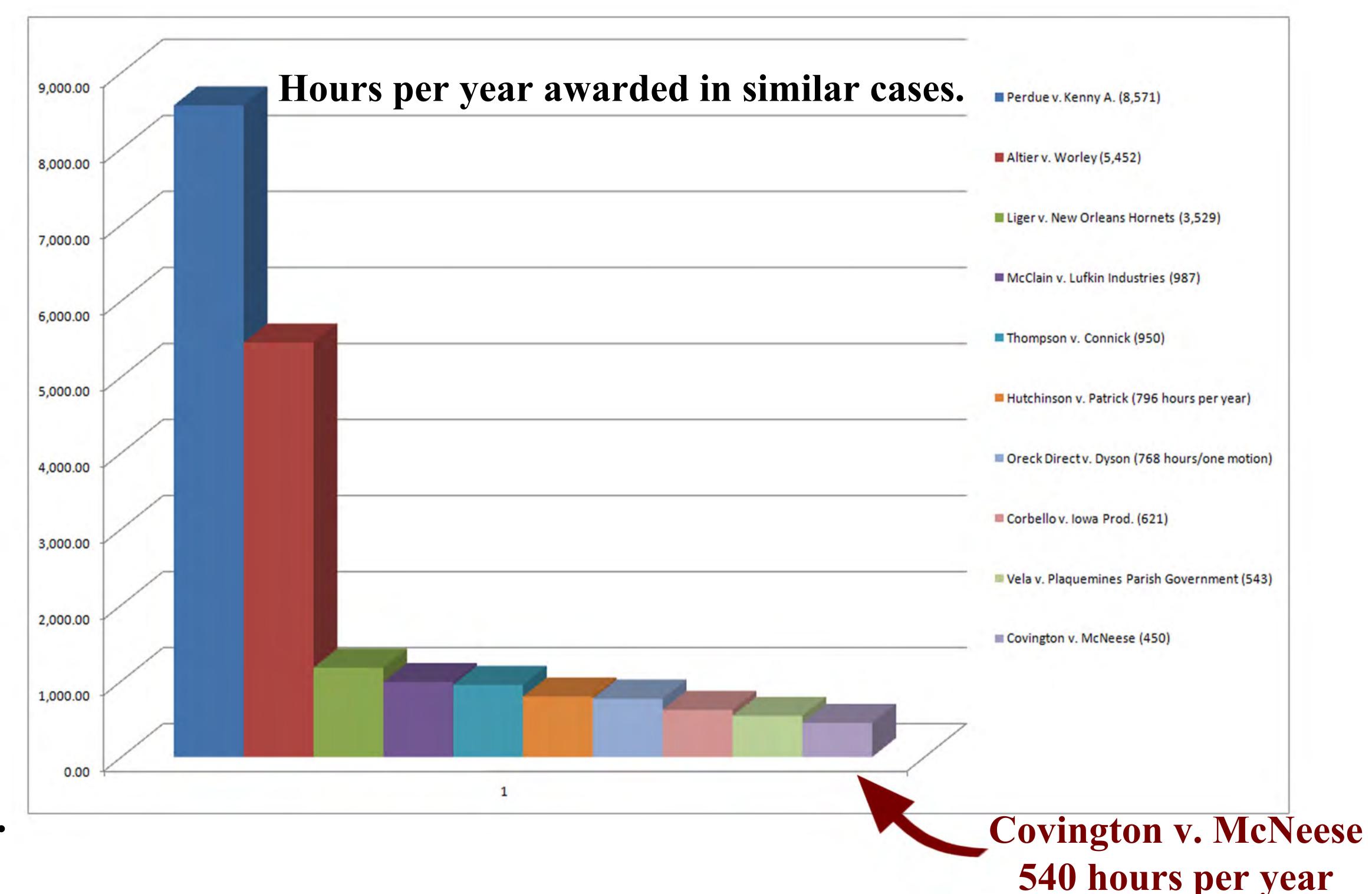
4. Covington received 80% fewer hours than typical awards.

The average comparable case results in an award of 2,207 hours per year.

The trial court awarded Covington's counsel an average of only 450 hours per year. (5,402 hours divided by 12 years).

The Third Circuit increased it to an average of only 540 hours per year.

(Covington Brief, page 23-24).



- 5. McNeese's lawyers billed four times more per work unit.
- 6. McNeese submitted no evidence to dispute 6,500 hours.
- 7. The trial court had no basis to reduce any hours, and four of the five appellate judges held it was a clear abuse of discretion.

THE TRIAL COURT ERRED IN REDUCING COVINGTON'S COUNSEL'S BASE RATE BELOW \$265 PER HOUR

1. Four experts agree that the average rate for paying clients in civil rights cases exceeds \$265 per hour in Lake Charles.

JONATHAN PREJEAN: Opines that a rate between \$450-\$600 is reasonable based on complexity of the case and established Lake Charles case law.

WINFIELD LITTLE: "I would regard this as a highly specialized area of the law. I know that the average rate for specialized work can exceed \$400-\$500 per hour in the Lake Charles area."

THOMAS LORENZI: Charges \$385 per hour in Lake Charles for routine litigation. "It is my opinion that any of Covington's counsel could have sought significantly more than \$265 per hour as a base rate."

EDWARD FONTI: Opines that \$265 is a minimal base rate in Lake Charles for such a complex case.
(R. 20:4987-94; 4977-83; 4958-63)

2. McNeese paid its own Lake Charles expert \$350 per hour.

ALLEN SMITH: "If there are more than two parties, but less than four, I charge 300, and if it's four or more parties, I charge 350 an hour, and that is the charge that I am going to charge for expert - my testimony here. . . There was one time back in the '70s where I was actually being used as an engineer as much as I was being used as a lawyer, and I remember back then [in the 1970s] I charged 200 dollars an hour. . . "

(R. 33:8179-80)

3. Covington attorneys' standard rate is \$325-\$350 per hour.

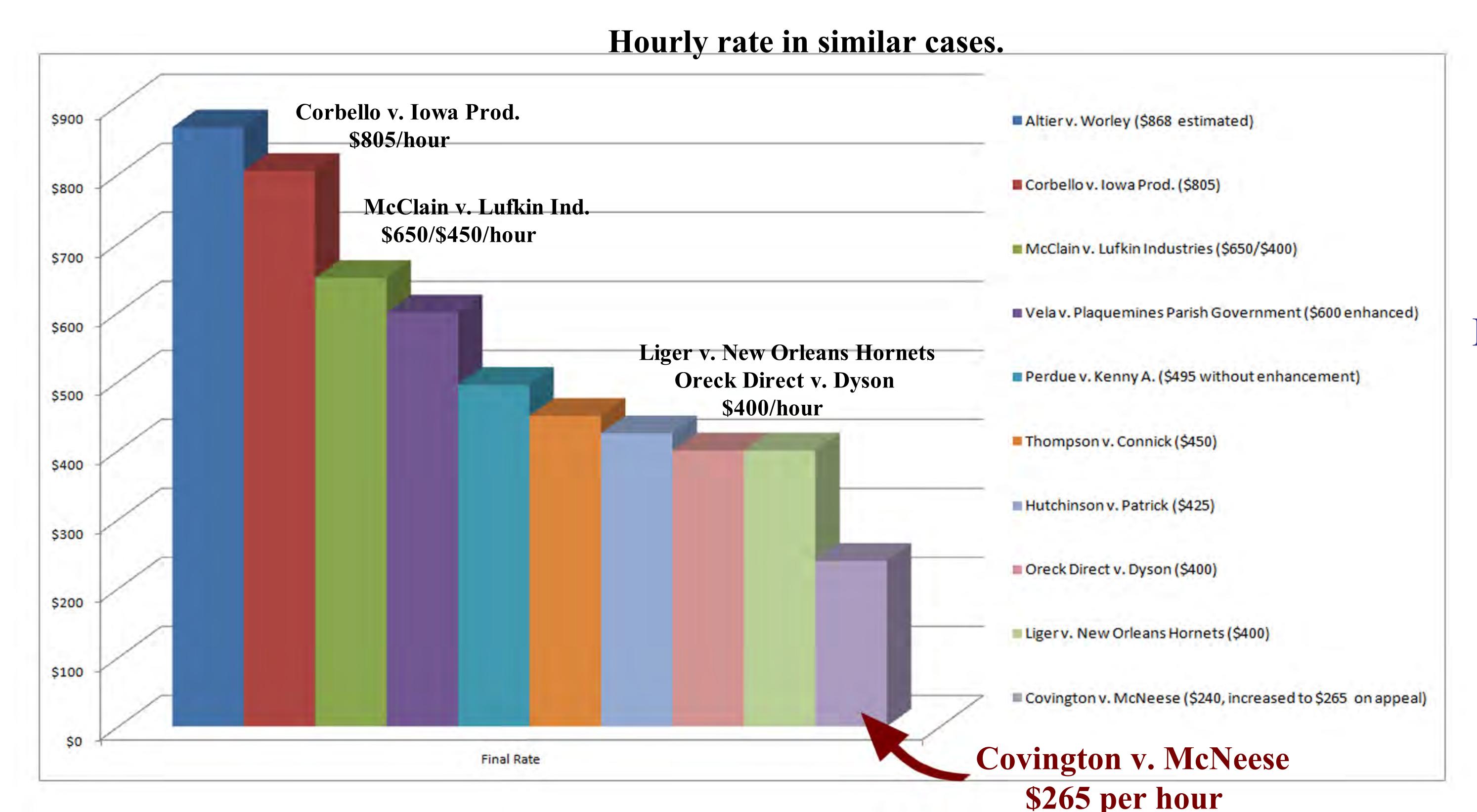
SETH HOPKINS: "\$325 per hour is my standard rate."

(R. 44:10807)

4. On Nov. 15, 2012, the federal Western District of Louisiana cited this very case and adopted the Third Circuit's \$265 rate as a "modest base rate" for typical cases.

Leleux v. Assurance Co. of America, 2012 WL 5818226, at *4, (W.D. La. Nov. 15, 2012)

5. The rate in similar local cases is \$400-\$805 per hour.



Rate must be based on comparable complex litigation of similar length and risk.

Most analogous case is *Corbello v. Iowa Prod.* based in Calcasieu Parish.

Corbello is an eight year case in which McNeese's own counsel was paid \$805 per hour.

COVINGTON'S COUNSEL EARNED AN ENHANCEMENT OF \$3 - \$5 MILLION UNDER TWO OF THE THREE *PERDUE* CRITERIA

1. This is a "rare" and "exceptional" case.

MARKET VALUE

- Largest known single-client Title II ADA recovery.
- \$13.8 million injunction / \$400,000 / scholarship.
- 15,000 violations in 1.35 million square feet.
- \$2,128.97 per hour value (McNeese facilities).
- \$50,000 per disabled student in McNeese revenue.
- Benefits all disabled students for 50 year building lives.
- Expanded to entire University of Louisiana System.
- Allows disabled citizens to become taxpayers.

PAYMENT DELAY

- Longest known ADA case in history.
- 250,000 page client file.
- 17,684 electronic client files (2010).
- 850 pages plaintiffs' original briefs (2013).
- 7,500 pages plaintiffs' exhibits (2010).
- 15 days trial/hearings.
- 56 days of appearances.
- No interest or interim fees.

"We cannot imagine a more compelling case than the one before us in which Plaintiff's attorneys should be fully compensated." *Covington v. McNeese*, 98 So.3d 414, 423 (2012).

"In our 33 years of advocating for those with disabilities, we find the results achieved by the Plaintiffs in this case to be truly impressive." Louisiana Advocacy Center Amicus Brief.

2. Covington's counsel's market value exceeds \$4.5 million.

JONATHAN PREJEAN: Urges an award of \$5.48 million based on his market value calculations.

WINFIELD LITTLE: Urges at least \$3.25 million based on his market value calculations.

THOMAS LORENZI: Urges a 300%-700% enhancement (\$5.17 - \$12 million).

EDWARD FONTI: Urges that "the Lodestar award should be adjusted upward."

(R. 20:4987-94; 4977-83; 4958-63)

3. The 12 year payment delay mandates \$3 million.

Base fees earned for 12 years work

Expenses

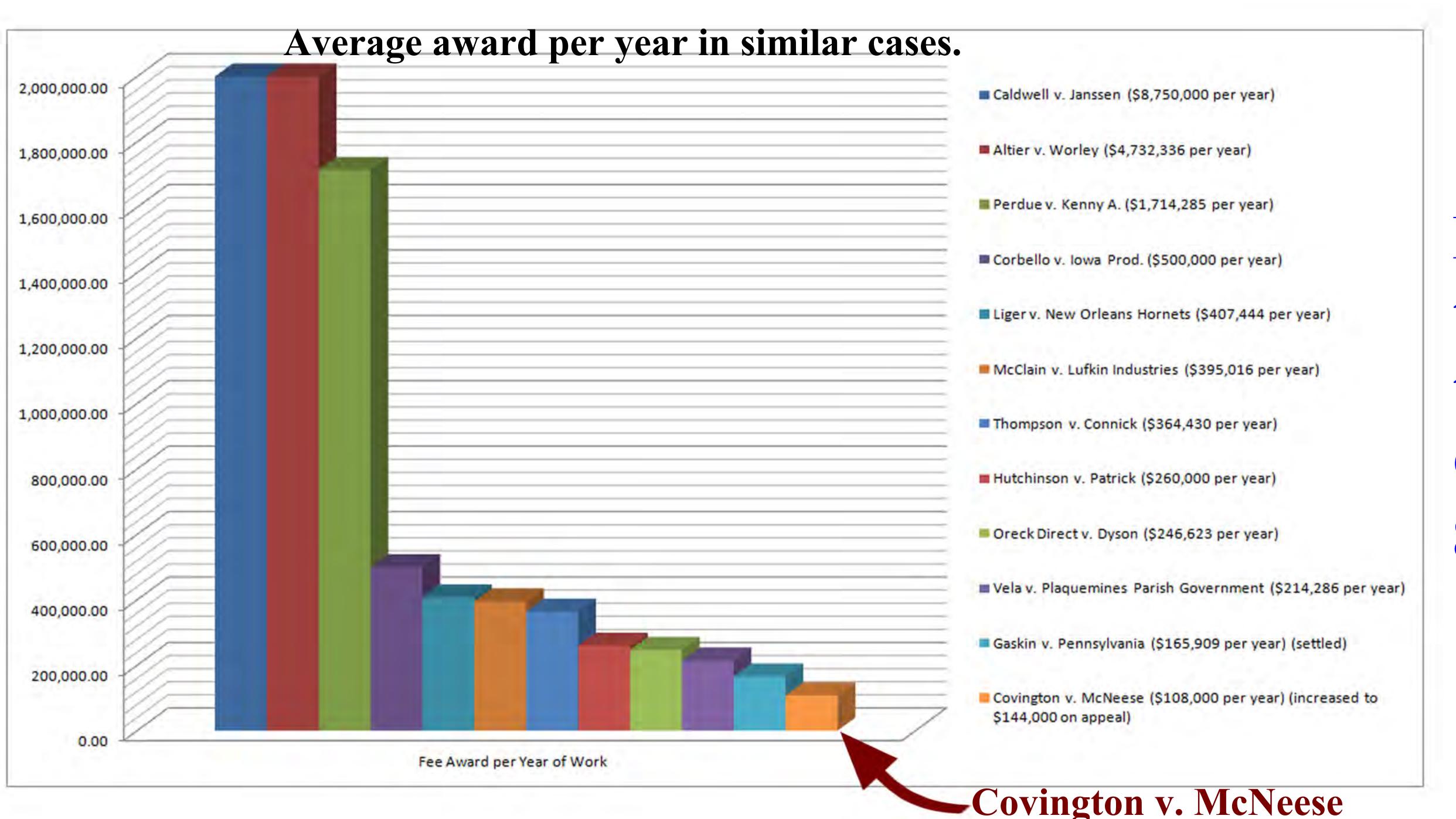
Louisiana judicial interest

Total Under the Second Perdue Factor:

\$1,717,677.00 \$41,570.47 \$1,759,247.47

\$3,035,221.47

4. This is the lowest compensation of any comparable case.



Despite the case's exceptional success, the proven market value of counsel, and the exceptional payment delay, Covington's annual compensation is 89% less than comparable cases.