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THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,
Plaintiffs,

And

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE, et al.,
Plaintiff Intervenors,

And

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,
Plaintiff Intervenors,

v.

DEAN LOGAN, King County Records &
Elections Division Manager, et al.,
Defendants,

And

STATE OF WASHINGTON,
Defendant Intervenors,

And

WASHINGTON STATE GRANGE,
Defendant Intervenors,

Case No: C05-9272 TSZ

DECLARATION OF RICHARD
SHEPARD IN SUPPORT OF
MOTION FOR ATTORNEY FEES
AND COSTS

**NOTE ON MOTION CALENDAR:
SEPTEMBER 9, 2005**

DECLARATION OF RICHARD SHEPARD
IN SUPPORT OF MOTION FOR
ATTORNEY FEES AND COSTS - Page 1
of 3

S:\Assistant's Documents\Cases\LibertarianParty\WAS\State\Litigation\872\Pleadings\DEC
OF SHEPARD IN SUPPORT OF MOTION FOR ATTORNEY FEES.doc

SHEPARD LAW OFFICE, INC.
818 So. Yakima Ave., #200
Tacoma, WA 98405
(253) 383-2235

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I, RICHARD SHEPARD, declare on penalty of perjury under 28 U.S.C. § 1746 as follows:

1. I am counsel of record for the Libertarian Party of Washington State (LPWS).
2. I graduated from the University of Puget Sound School of Law in 1986 and have been practicing law full time ever since. I have owned and operated my own practice since admission to the bar that same year.
3. My practice is a general practice, including a number of subject areas, from criminal defense (*State v. Schlieker*, 115 Wash.App. 264, 62 P.3d 520 (Div. 2,2003)), to land use (*City of Seattle v. McCoy*, 101 Wash.App. 815, 4 P.3d 159 (Div. 1,2000)(appearing on behalf of the Northwest Legal Foundation)) to family law (*In re Marriage of Ferree*, 71 Wash.App. 35, 856 P.2d 706 (Div. 2,1993)) to elections law (*Libertarian Party of Washington v. Munro*, 31 F.3d 759 (C.A.9 1994)), to tax law (*U.S. v. Boyce*, 153 F.Supp.2d 1194 (S.D.Cal.,2001)).
4. Most recently I was counsel of record for the Libertarian Party of Washington in *Democratic Party of Washington State v. Reed*, 343 F.3d 1198 (2003), certiorari denied sub nom *Reed v. Democratic Party*, 124 S.Ct. 1412 (2004); *Washington State Grange v. Washington State Democratic Party*, 124 S.Ct. 1663 (2004). I also prepared and submitted an amicus brief to the U.S. Supreme Court regarding *Clingman v Beaver*, 544 U.S. ____ (2005), on behalf of the "Coalition For Free And Open Elections," a nationwide organization of third party representatives interested in matters related to election laws. Finally, on June 21, 2005 I hosted an Election Law CLE for Washington attorneys in Sea-Tac, Washington.

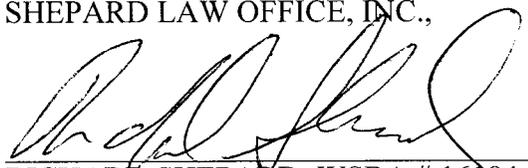
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5. My office was retained for the above-entitled matter in May, 2005. The rate was agreed at \$240.00 per hour for me, \$90 per hour for legal support staff, plus costs, subject to funds availability. Although prevailing rates in Tacoma, Washington for a general practice solo attorney with my experience level are slightly lower, I believe my specialized experience in the subject area of this litigation warrants the agreed amount.

6. Attached hereto and by reference incorporated herein are copies of invoices submitted in connection with the instant case. The total amount shown, and the total amount requested as and for reasonable attorney fees plus costs in this matter to date, and not including fees for this motion and related documents is \$36,724.50.

7. The foregoing amount is requested to preserve the Libertarian Party's right to recovery of attorney fees in the event it is later determined that this court's Permanent Injunction (CD 94) is a final order. If the injunction is not deemed a final order, my client reserves the right to seek award at the appropriate time for additional attorney fees and costs for further proceedings leading up to a final order.

DATED Wednesday, August 10, 2005, at Tacoma, Washington.

SHEPARD LAW OFFICE, INC.,

RICHARD SHEPARD, WSBA # 16194
Attorney for Proposed Intervenors LIBERTARIAN PARTY OF WASHINGTON STATE, RUTH BENNETT, and J. S. MILLS

DECLARATION OF RICHARD SHEPARD
IN SUPPORT OF MOTION FOR
ATTORNEY FEES AND COSTS - Page 3
of 3

SHEPARD LAW OFFICE, INC.
818 So. Yakima Ave., #200
Tacoma, WA 98405
(253) 383-2235

Shepard Law Office, Inc.

Invoice

818 S. Yakima St. #200
 Tacoma, WA 98405
 Phone: 253-383-2235 Fax: 253-627-1990
 website: shepardlawoffice.com

DATE INVOICE NO.
 5/31/2005 1879

BILL TO

Brett Wilhelm
 Libertarian Party of WA
 PO Box 940
 Freeland, WA 98249

CASE NAME

WSRP v Logan

TERMS

Due on receipt

| DATE OF SERVICE | DESCRIPTION | TIME | AMOUNT |
|-----------------|--|------|---------------|
| 5/5/2005 | Emails to LP leadership and D & R attorneys. | 0.5 | 90.00 |
| 5/9/2005 | Emails with Winger and LP leaders re pending suit. | 0.5 | 90.00 |
| 5/10/2005 | Telecon with Wilhelm re case strategy. | 0.5 | 90.00 |
| 5/11/2005 | Telecons with Mills and Jared re case strategy. | 0.5 | 90.00 |
| 5/12/2005 | Rough out memo to LegLitCom re pending suit against 1872. | 4 | 720.00 |
| 5/13/2005 | Complete memo to LegLitCom re pending suit against 872. Review and forward emergency WACS. | 2.5 | 450.00 |
| 5/16/2005 | Review draft complaint from Rs. Telecon with clients and co-counsel. Emails to co-counsel to coordinate filing. Begin drafting intervention paperwork. | 5 | 900.00 |
| 5/17/2005 | Review R and D pleadings. Edit I pleadings. Emails to White and McDonald re schedule. Emails to clients. | 2 | 360.00 |
| 5/18/2005 | Telecons with client and White re status of case. Finish preparation of pleadings on intervention. | 7 | 1,260.00 |
| 5/19/2005 | Review and edit 1872 complaint with Mills. Telecons with White and Bennett. Travel to Seattle to file. Conference with Bennett. | 6 | 1,080.00 |
| 5/20/2005 | Email to and from client re ballot access issues under 1872 and lawsuit. Email inquiries to D. Gillespie and M. Campbell re lawsuit. | 2 | 360.00 |
| 5/26/2005 | Download and review R motion for temporary injunction. | 2 | 360.00 |
| 5/27/2005 | Download and review pleadings. Telecon with client, AG's office and ballot access consultant re access issues under 872 vs Montana. | 2 | 360.00 |
| 5/31/2005 | Policy letter to explain LPWS position in lawsuit. City of Tacoma | 0.5 | 90.00 0.00 |

A late fee of \$25 will be charged on all invoices 30 days old.
 Interest of 1.5% per month will be charged on all past due invoices.

Total \$6,300.00

Shepard Law Office, Inc.

Invoice

818 S. Yakima St. #200
 Tacoma, WA 98405
 Phone: 253-383-2235 Fax: 253-627-1990
 website: shepardlawoffice.com

DATE INVOICE NO.
 6/30/2005 1901

BILL TO

Brett Wilhelm
 Libertarian Party of WA
 PO Box 940
 Freeland, WA 98249

| CASE NAME | | | TERMS | |
|-----------------|---|------|----------------|--|
| WSRP v Logan | | | Due on receipt | |
| DATE OF SERVICE | DESCRIPTION | TIME | AMOUNT | |
| 6/1/2005 | Correspondence with client re status of strategy of case Telecon with R attorney. | 1.2 | 288.00 | |
| 6/3/2005 | Telecon with Pharris re minor party issues. | 0.2 | 48.00 | |
| 6/6/2005 | Telecon with client re status conference. | 0.5 | 120.00 | |
| 6/7/2005 | Telecon status conference with all parties and judge. Telecon with R attorney. | 1.4 | 336.00 | |
| 6/10/2005 | Download and review pleadings. review emails from counsel re issue statement. consultation with client. | 2.5 | 600.00 | |
| 6/13/2005 | Legal research on Motion for Summary Judgment. Begin preparation of motion. | 6 | 1,440.00 | |
| 6/13/2005 | Consultation with client re notice for nominating conventions. | 0.5 | 120.00 | |
| 6/14/2005 | continue work on Motion for Summary Judgment. | 5 | 1,200.00 | |
| 6/15/2005 | Continue work on Motion for Summary Judgment. | 6 | 1,440.00 | |
| 6/16/2005 | Order and Summary Judgements Exhibit C translating percentage of voters for elections | 2.5 | 250.00 | |
| 6/16/2005 | Continue work on Motion for SJ and Declaration in Support. Review state's stipulation for substitution. | 12 | 2,880.00 | |
| 6/17/2005 | Scanned all exhibits/Orders/Summary Judgment for filing, then efiled. Worked on Exhibits/Order and Summary Judgment. | 5.2 | 520.00 | |
| 6/17/2005 | Complete work on Motion for SJ and Declaration in Support. | 7 | 1,680.00 | |
| 6/20/2005 | File maintenance and certificate of Service filed and sent to all parties. | 2.2 | 220.00 | |
| 6/20/2005 | Email correspondence with White about public records from SOS office re I-872. download and print pleadings from ECF system. | 1 | 240.00 | |
| 6/22/2005 | Telecon with client re application of minor party nomination statutes. | 1 | 240.00 | |
| 6/23/2005 | Research Thornton argument. Telecon with client re current nominating rules. download, print and review supplemental filings by WSRP. Email to client. Telecon with client. | 3.5 | 840.00 | |

A late fee of \$25 will be charged on all invoices 30 days old.
 Interest of 1.5% per month will be charged on all past due invoices.

Total

Shepard Law Office, Inc.

Invoice

818 S. Yakima St. #200
 Tacoma, WA 98405
 Phone: 253-383-2235 Fax: 253-627-1990
 website: shepardlawoffice.com

| | |
|-----------|-------------|
| DATE | INVOICE NO. |
| 6/30/2005 | 1901 |

BILL TO

Brett Wilhelm
 Libertarian Party of WA
 PO Box 940
 Freeland, WA 98249

| CASE NAME | | TERMS | |
|-----------------|--|----------------|--------------|
| WSRP v Logan | | Due on receipt | |
| DATE OF SERVICE | DESCRIPTION | TIME | AMOUNT |
| 6/24/2005 | Emails with client and D&R attorneys re WSRP supplemental filings. | 0.7 | 168.00 |
| 6/29/2005 | Legal research on "qualifications clauses" cases. | 3 | 720.00 |
| 6/28/2005 | Delivery charge. Stmt of nomination/voter registration list of names to Olympia. City of Tacoma | | 2.50 0.00 |

A late fee of \$25 will be charged on all invoices 30 days old.
 Interest of 1.5% per month will be charged on all past due invoices.

Total \$13,352.50

Shepard Law Office, Inc.

Invoice

818 S. Yakima St. #200

Tacoma, WA 98405

Phone: 253-383-2235 Fax: 253-627-1990

website: shepardlawoffice.com

| | |
|-----------|-------------|
| DATE | INVOICE NO. |
| 7/28/2005 | 1931 |

BILL TO

Brett Wilhelm
 Libertarian Party of WA
 PO Box 940
 Freeland, WA 98249

CASE NAME

TERMS

WSRP v Logan

Due on receipt

| DATE OF SERVICE | DESCRIPTION | TIME | AMOUNT |
|-----------------|---|------|----------------|
| 6/28/2005 | Telecon with ABC re: documents sent to Sec. of State. Telecon with Blinn re: documents sent over to the office. Retrieved copy of hearing and transcript of hearing on the 17th. Copied documents and sent them with cover letter to Sec. of State. | 2 | 200.00 |
| 6/30/2005 | Continue research on qualifications clause. | 2 | 480.00 |
| 7/3/2005 | Review state response and begin reply brief. | 12 | 2,880.00 |
| 7/4/2005 | Continue work on reply brief. | 8 | 1,920.00 |
| 7/5/2005 | Continue work on reply brief. | 14 | 3,360.00 |
| 7/6/2005 | Telecon with Winder re ballot access issues. Prepare Winger declaration. Complete reply memo. | 7 | 1,680.00 |
| 7/7/2005 | Download and review R and D replies. Email to client re status of case. | 2 | 480.00 |
| 7/8/2005 | Email with D and R attorneys re pre-hearing conference. | 0.2 | 48.00 |
| 7/11/2005 | Review motion pleadings. Draft oral argument statement. | 5 | 1,200.00 |
| 7/12/2005 | Conference with D & R counsel re hearing (incl travel time). Redraft oral argument statement. | 7 | 1,680.00 |
| 7/13/2005 | Oral argument on motions (incl travel time). Memo to client. Telecon with client. | 7.5 | 1,800.00 |
| 7/15/2005 | review court order. Email to client re court ruling. | 1.5 | 360.00 |
| 7/18/2005 | Further correspondence with client re court order, effect on minor party nominations and possible appeal. | 1.2 | 288.00 |
| 7/21/2005 | Review proposed permanent injunction. Email comments and suggestions to R attorney. | 1 | 240.00 |
| 7/22/2005 | Email correspondence with client and R attorney re proposed final order. | 0.4 | 96.00 |
| 7/28/2005 | Review objections and correspondence from D and R attorneys. City of Tacoma | 1.5 | 360.00 0.00 |

A late fee of \$25 will be charged on all invoices 30 days old.
 Interest of 1.5% per month will be charged on all past due invoices.

Total \$17,072.00