

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER STONE,
individually and as next friends of CHRISTOPHER
JAKE STONE,

Plaintiffs,

vs.

ANTONIOS PAGOURTZIS and ROSE MARIE
KOSMETATOS

Defendants.

COUNTY COURT AT LAW

GALVESTON COUNTY,
TEXAS

COURT NO. 3

PLAINTIFFS' AMENDED APPLICATION FOR ATTORNEYS' FEES AND COSTS

TO THE HONORABLE JUDGE EWING:

Plaintiffs¹ in the above-styled case file this amended application for the recovery of their attorneys' fees and costs incurred in responding to Tennessee Defendants' Rule 91a Motion to Dismiss² and the resulting mandamus petitions before the Fourteenth District Court of Appeals and the Supreme Court of Texas; and would respectfully show the Court as follows:

¹ Rosie Yanas and Christopher Stone (individually and as next friends of Christopher Jake Stone); William ("Billy") Beazley and Shirley Beazley (individually and as next friends of T.B., a minor); Autumn Tisdale (individually and as a representative of the estate of Cynthia Tisdale); William Tisdale, Jr. (individually and as a representative of the estate of William R. Tisdale, Sr.); Chase Yarbrough, Donna Yarbrough and Troy Yarbrough; and Plaintiffs-Intervenors Mark McLeod and Gail McLeod (individually and as next friends of Aaron Kyle McLeod); Pamela Stanich (individually and as next friend of Jared Conard Black); Shannan Claussen (individually and as next friend of Christian Riley Garcia); Clayton Horn; Abdul Aziz and Farah Naz (individually and as next friends of Sabika Aziz Sheikh); Flo Rice; and Rhonda Hart (individually and as a representative of the estate of Kimberly Vaughan).

² The Tennessee Defendants are Luckygunner, LLC, Red Stag Fulfillment, LLC, MollenhourGross, LLC, Jordan Mollenhour, and Dustin Gross.

I.
LEGAL AUTHORITY FOR AWARD OF ATTORNEYS' FEES

1. Under Texas law, a party may recover their attorney's fees when allowed by statute or contract.³ Texas Rule of Civil Procedure 91a.7 provides, in relevant part, "[T]he court may award the prevailing party on the motion all costs and reasonable and necessary attorney fees incurred with respect to the challenged cause of action in the trial court. Any award of costs or fees must be based on evidence."⁴

2. The prevailing party is also entitled to recover appellate costs and fees. *Weizhong Zheng v. Vacation Network, Inc.*, 468 S.W.3d 180, 188 (Tex. App. 2015—Houston [14th Dist.]); *see also Cessna Aircraft Co. v. Aircraft Network, LLC*, 345 S.W.3d 139, 147-48 (Tex. App. 2011—Dallas [5th Dist.]) ("It is well-settled that where attorney's fees are recoverable, the award may include appellate attorney's fees."); *Neal v. SMC Corp.*, 99 S.W.3d 813, 818 (Tex. App. 2003—Dallas [5th Dist.])("The trial court's award of attorney's fees may include appellate attorney's fees.").

3. As the prevailing parties concerning the Tennessee Defendants' Rule 91a Motion to Dismiss and the corresponding appeals, Plaintiffs are entitled to the recovery of their attorneys' fees and costs.

³ *1/2 Price Checks Cashed v. United Auto. Ins. Co.*, 344 S.W.3d 378, 382 (Tex. 2011) (citing *Akin, Gump, Strauss, Hauer & Feld, L.L.P. v. Nat'l Dev. & Research Corp.*, 299 S.W.3d 106, 120 (Tex. 2009); *Tony Gullo Motors I, L.P. v. Chapa*, 212 S.W.3d 299, 310-11 (Tex. 2006)).

⁴ The *Yanas*, *Beazley*, and *Tisdale* cases were filed in 2018. At the time they were filed, an earlier version of Rule 91a.7 containing mandatory language was in effect: "Except in an action by or against a governmental entity or a public official acting in his or her official capacity or under color of law, the court must award the prevailing party on the motion all costs and reasonable and necessary attorney fees incurred with respect to the challenged cause of action in the trial court. The court must consider evidence regarding costs and fees in determining the award."

II. BACKGROUND

4. On January 6, 2021, the Tennessee Defendants filed a Rule 91a Motion to Dismiss in the instant case, as well as in *Tisdale et al. v. Pagourtzis et al.*, Case No. PR-0078972-A, and *Yarbough et al. v. Pagourtzis et al.*, Cause No. CV-0086848.

5. On February 10, 2021, Plaintiffs filed opposition briefs in response to the Motion to Dismiss in each of the aforementioned cases.

6. On March 3, 2021, this Court and the Probate Court of Galveston County entered an Amended Order consolidating all of the aforementioned cases into one case before this Court under Cause No. 0081158.

7. On March 8, 2021 the Tennessee Defendants filed three separate reply briefs in support of their motions to dismiss, even though the cases had been consolidated.

8. On March 10, 2021, a hearing was conducted on the Tennessee Defendants' Rule 91a Motion to Dismiss.

9. On March 18, 2021, the Court entered an Order denying the Tennessee Defendants' Rule 91a Motion to Dismiss in its entirety. The Court further ordered that "Plaintiffs, as the prevailing party, are entitled to all costs and reasonable and necessary attorney fees incurred as a result of the instant motion, pursuant to Texas Rule of Civil Procedure 91a.7, payable by Luckygunner, LLC, Red Stag Fulfillment, LLC, MollenhourGross, Jordan Mollenhour and Dustin Gross." *See* Exhibit A, attached hereto.

10. In the Court's Order dated March 18, 2021, the Court instructed Plaintiffs to submit evidence of their reasonable and necessary attorneys' fees and costs within 30 days of the Order's entry. *See Id.* The Plaintiffs originally filed their application for attorneys' fees and costs on April 16, 2021.

11. On April 13, 2021, the Tennessee Defendants filed a Petition for Writ of Mandamus and an Emergency Motion to Stay Proceedings in the Court of Appeals for the Fourteenth District at Houston, Texas. The Petition for a Writ of Mandamus was an appeal of this Court's decision on the Tennessee Defendants' Rule 91a motion and raised no arguments relating to other pending motions. On April 22, 2021, Plaintiffs filed a response to Emergency Motion to Stay Proceedings. On April 23, 2021, the Tennessee Defendants filed a Reply in Support of Opposed Motion to Stay Proceedings.

12. On May 12, 2021, the Fourteenth Court of Appeals denied the Tennessee Defendants' Petition for Writ of Mandamus and dismissed the Emergency Motion to Stay as moot. *In re LuckyGunner LLC*, No. 14-21-00194-CV, slip op. at 1 (Tex. App.—Houston [14th Dist.] May 12, 2021, orig. proceeding) (per curiam) (mem. op.). See Exhibit B, attached hereto.

13. On May 27, 2021, the parties filed a Rule 11 agreement with this Court, wherein Plaintiffs agreed to stay all proceedings in the trial court pending a decision by the Texas Supreme Court on a forthcoming motion for a stay or proceedings by the Tennessee Defendants.

14. On June 3, 2021, the Tennessee Defendants filed a Petition for Writ of Mandamus and a Motion for Temporary Relief and Stay of Proceedings in the Texas Supreme Court. *In re Luckygunner*, Cause No. CV-0081158. The mandamus petition sought to overturn this Court's decision on the Rule 91a Motion to Dismiss. On June 11, 2021, Plaintiffs filed a response to the Motion for Temporary Relief and Stay of Proceedings. On June 16, 2021, the Tennessee Defendants filed a Reply in Support of Motion for Temporary Relief and Stay of Proceedings.

15. On July 9, 2021, the Texas Supreme Court requested that Plaintiffs file a response to the Petition for Writ of Mandamus. See Exhibit C, attached hereto. On August 9, 2021, Plaintiffs

filed a Response to the Petition for Writ of Mandamus. On August 24, 2021, the Tennessee Defendants filed a Reply in Support of Petition for Review.

16. On September 24, 2021, the Texas Supreme Court requested that the parties file briefs on the merits. *See* Exhibit D, attached hereto. On November 24, 2021, the Tennessee Defendants filed a Brief on the Merits in the Texas Supreme Court. On December 21, 2021, Plaintiffs filed a Merits Brief. On January 21, 2022, the Tennessee Defendants filed a Reply Brief on the Merits.

17. On February 18, 2022, the Texas Supreme Court denied the Tennessee Defendant's Petition for Writ of Mandamus and the Motion for Temporary Relief and Stay of Proceedings. *See* Exhibit E, attached hereto.

18. In accordance with this Court's Order dated March 18, 2021, as well as the schedule agreed to at the status conference before the Court on March 11, 2022, Plaintiffs file this Amended Application for Attorneys' Fees and Costs, to include costs and fees incurred due to the Tennessee Defendants' decision to seek mandamus review of this Court's decision on their Rule 91a motion.

III. **FEES AND COSTS**

19. When seeking attorney's fees, a claimant must "put on evidence of reasonable hours worked multiplied by a reasonable hourly rate" which "yield[s] a base figure [i.e., the lodestar amount] that can be adjusted by considerations not already accounted for in either the hours worked or the rate."⁵ The lodestar "base calculation" (*i.e.*, time x rate) is the "presumptively reasonable" amount of attorney's fees. The claimant bears the burden of providing sufficient evidence on both the time and the rate. "Sufficient evidence includes, at a minimum, evidence of

⁵ *See Rohrmoos Venture v. UTSW DVA Healthcare*, 578 S.W.3d 469 (Tex. 2019).

(1) particular services performed, (2) who performed those services, (3) approximately when the services were performed, (4) the reasonable amount of time required to perform the services, and (5) the reasonable hourly rate for each person performing such services.”⁶

20. Plaintiffs calculated their respective fees and costs in accordance with the lodestar method.⁷ Pursuant to the Court’s Order, Plaintiffs hereby attach evidence of their reasonable and necessary attorneys’ fees and costs incurred responding to the Tennessee Defendants’ Rule 91a Motion to Dismiss, and the corresponding mandamus petitions. *See* Exhibits F-O.⁸

21. Pursuant to the above-referenced affidavits, Plaintiffs move the Court to enter an Order awarding the following amounts as reasonable and necessary attorneys’ fees and costs:

- a. Martinez & McGuire, PLLC in the amount of \$10,575.00;
- b. The Law Firm of Alton C. Todd in the amount of \$11,109.34;
- c. Everytown Law in the amount of \$97,486.21;⁹
- d. Tylka Law Center PC in the amount of \$9,895.02;
- e. Apffel Legal, PLLC in the amount of \$10,150.00;
- f. The Chandler Law Firm, LLP in the amount of \$8,750.00; and

⁶ *Id.* at 498.

⁷ As reflected in his affidavit, attorney Martin J. Siegel billed at a discounted hourly rate.

⁸ As the litigation arm of a 501(c)(3) non-profit, Everytown Law does not charge its clients attorneys’ fees. However, its clients in this case have authorized Everytown Law to seek and retain an award of attorneys’ fees and costs from the Court, to the extent such an award is authorized by law. *See* Affidavits of Alla Lefkowitz, Molly Thomas-Jensen, Krystan Hitchcock, and Andrew Nellis (Exs. H-K). While in the context of other fee-shifting provisions, the Texas Supreme Court has held that “incurred” refers to fees and costs that “one becomes liable for,” *see Rohrmoos Venture*, 578 S.W.3d at 489, in the context of Rule 91a.7, “incurred” simply refers to those fees that are “associated with [the] challenged cause of action[.]” Notes and Comments, Tex. R. Civ. P. 91a.7.

⁹ Because the Tennessee Defendants’ Rule 91a motion and corresponding mandamus petitions focused largely on the Protection of Lawful Commerce in Arms Act, a federal immunity law for members of the gun industry, the attorneys for Everytown Law, who have an expertise in this area, took a leading role in responding to the motion, as detailed in the accompanying affidavit of Alla Lefkowitz (Exhibit H).

g. Law Offices of Martin J. Siegel P.C. in the amount of \$4,200.00.

22. Thus, the total fees and costs sought are \$152,165.57. That total reflects the following fees incurred at each stage of litigating the Rule 91a motion:

- a. Trial Court: \$75,544.94
- b. Fourteenth District Court of Appeals: \$5,948.92
- c. Texas Supreme Court: \$70,671.72

IV. **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court enter an order awarding Plaintiffs their reasonable and necessary attorneys' fees and costs, and for such other relief, at law and in equity, to which Plaintiffs are entitled.

DATED: April 1, 2022

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Rhonda Hart*

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RESPECTFULLY SUBMITTED,

MARTINEZ & MCGUIRE PLLC



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*Attorney for Plaintiffs Rosie Yanas and
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Mark Mcleod, Gail McCleod, Pamela
Stanich, Shannan Claussen, Clayton Horn,
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**Admitted Pro Hac Vice*

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Attorneys for Plaintiffs
Autumn Tisdale and William Tisdale, Jr.

CERTIFICATE OF SERVICE

I certify that, on April 1, 2022, a true and correct copy of the Plaintiffs' Amended Application for Attorneys' Fees and Costs was served on all counsel of record via the Court's electronic-notification system.



Clint E. McGuire
MARTINEZ & MCGUIRE PLLC

*Counsel for Plaintiffs Rosie Yanas
and Christopher Stone, and
Plaintiffs-Intervenors Mark Mcleod,
Gail Mcleod, Pamela Stanich,
Shannan Claussen, Clayton Horn,
Abdul Aziz, Farah Naz and Flo Rice.*

Exhibit A

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

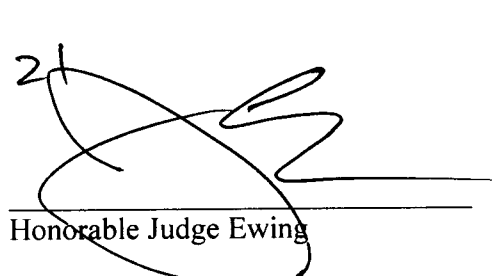
ORDER

On this day, the Court, having considered the Tennessee Defendants' Rule 91a Motion to Dismiss, and arguments of counsel and the applicable authorities, is of the Opinion that the Motion should be DENIED.

It is further ORDERED that Plaintiffs, as the prevailing party, are entitled to all costs and reasonable and necessary attorney fees incurred as a result of the instant motion, pursuant to Texas Rule of Civil Procedure 91a.7, payable by Defendants Luckygunner, LLC, Red Stag Fulfillment, LLC, MollenhourGross, Jordan Mollenhour and Dustin Gross. Plaintiffs are ordered to submit evidence of costs and fees within thirty (30) days of this order.

IT IS SO ORDERED.

DATED this 18th day of March 2021.


Honorable Judge Ewing

FILED

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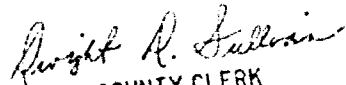

COUNTY CLERK
GALVESTON COUNTY, TEXAS

Exhibit B

Emergency Motion to Stay Dismissed as Moot; Petition for Writ of Mandamus Denied; and Memorandum Opinion filed May 12, 2021.



In The

Fourteenth Court of Appeals

NO. 14-21-00194-CV

**IN RE LUCKYGUNNER, LLC; RED STAG FULFILLMENT, LLC;
MOLLENHOUR GROSS, LLC; JORDAN MOLLENHOUR; AND
DUSTIN GROSS, Relators**

**ORIGINAL PROCEEDING
WRIT OF MANDAMUS
County Court No. 3
Galveston County, Texas
Trial Court Cause No. CV-0081158**

MEMORANDUM OPINION

On Tuesday, April 13, 2021, relators LuckyGunner, LLC; Red Stag Fulfillment, LLC; Mollenhour Gross, LLC; Jordan Mollenhour; and Dustin Gross filed a petition for writ of mandamus and an emergency motion to stay in this Court. *See* Tex. Gov't Code Ann. § 22.221; *see also* Tex. R. App. P. 52. In the petition, relators asks this Court to compel the Honorable Jack Ewing, presiding

judge of the County Court No. 3 of Galveston County, to immediately dismiss all claims brought against them in the underlying suit. The petitions in the underlying action assert a number of claims against relators arising out of the May 2018 shooting at Santa Fe High School. Plaintiffs/real parties in interest allege generally that relators are liable because they were negligent and/or violated applicable law in connection with the sale of ammunition to the alleged shooter, who was not permitted by law to possess the ammunition. Relators seek mandamus relief from the trial court's order denying their rule 91a motions to dismiss on the basis of immunity under the Protection of Lawful Commerce in Arms Act ("PLCAA"). *See* 15 U.S.C. §§ 7901-7903. In the emergency motion to stay, relators ask this court to stay all proceedings in the trial court until a final decision is rendered in this mandamus proceeding.

Relators have not met their burden to demonstrate a clear abuse of discretion by the trial court. Accordingly, we deny the petition for a writ of mandamus and dismiss as moot the emergency motion to stay.

PER CURIAM

Panel consists of Justices Jewell, Bourliot, and Hassan.

Exhibit C



THE SUPREME COURT OF TEXAS

Post Office Box 12248

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Friday, July 9, 2021

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THE SUPREME COURT OF TEXAS
Post Office Box 12248
Austin, Texas 78711

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Mr. James Alfred Southerland
Southerland Law Firm
4141 Southwest Freeway, Suite 300
Houston, TX 77027
* DELIVERED VIA E-MAIL *

RE: Case Number: 21-0463
Court of Appeals Number: 14-21-00194-CV
Trial Court Number: CV-0081158

Style: IN RE LUCKYGUNNER, LLC, RED STAG FULFILLMENT, LLC, MOLLENHOUR
GROSS, LLC, JORDAN MOLLENHOUR, AND DUSTIN GROSS

Dear Counsel:

The Supreme Court of Texas requests that real party in interest file a response to the petition for writ of mandamus in the above-referenced case. The response is due to be filed on **August 9, 2021. PLEASE NOTE** pursuant to TEX. R. APP. P. 9.2(c)(2) all documents (except documents submitted under seal) must be e-filed through eFileTexas.gov. You may file up to midnight on the due date.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake A. Hawthorne".

Blake A. Hawthorne, Clerk

by Claudia Jenks, Chief Deputy Clerk

cc: Mr. Darrell Apffel (DELIVERED VIA E-MAIL)
Ms. Katie J. Colopy (DELIVERED VIA E-MAIL)
Mr. Seth Mitchell Park (DELIVERED VIA E-MAIL)
Mr. Lewis Matthews Chandler (DELIVERED VIA E-MAIL)
Mr. Andrew Nellis (DELIVERED VIA E-MAIL)
Mr. Michael Lyn Rice (DELIVERED VIA E-MAIL)
Ms. Krystan Hitchcock (DELIVERED VIA E-MAIL)
Ms. Kelly Leonard (DELIVERED VIA E-MAIL)

Exhibit D



THE SUPREME COURT OF TEXAS

Post Office Box 12248

Austin, Texas 78711

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Friday, September 24, 2021

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THE SUPREME COURT OF TEXAS
Post Office Box 12248
Austin, Texas 78711

(512) 463-1312

RE: Case Number: 21-0463
Court of Appeals Number: 14-21-00194-CV
Trial Court Number: CV-0081158

Style: IN RE LUCKYGUNNER, LLC, RED STAG FULFILLMENT, LLC, MOLLENHOUR
GROSS, LLC, JORDAN MOLLENHOUR, AND DUSTIN GROSS

Dear Counsel:

Pursuant to TEX. R. APP. P. 55.1, you are requested to file briefs on the merits in the above-styled case. Please refer to TEX. R. APP. P. 55 for the requirements of relators' and real parties in interest briefs. The petition for writ of mandamus remains under consideration by the Court. The briefing schedule is outlined below. *See* TEX. R. APP. P. 55.7.

Relator/s shall file their brief by **Monday, October 25, 2021**.

Real party/parties in interest shall file their response brief by **Monday, November 15, 2021**.

Relator/s shall file any reply brief by **Tuesday, November 30, 2021**.

PLEASE NOTE pursuant to TEX. R. APP. P. 9.2(c)(2) all documents (except documents submitted under seal) must be e-filed through eFileTexas.gov. You may file up to midnight on the due date.

Sincerely,

A handwritten signature in black ink, appearing to read "Blake A. Hawthorne".

Blake A. Hawthorne, Clerk

by Claudia Jenks, Chief Deputy Clerk



THE SUPREME COURT OF TEXAS

Post Office Box 12248

Austin, Texas 78711

(512) 463-1312

cc: Mr. Darrell Apffel (DELIVERED VIA E-MAIL)
Ms. Katie J. Colopy (DELIVERED VIA E-MAIL)
Mr. Seth Mitchell Park (DELIVERED VIA E-MAIL)
Mr. Lewis Matthews Chandler (DELIVERED VIA E-MAIL)
Mr. Andrew A. Lothson (DELIVERED VIA E-MAIL)
Tyler Tylka (DELIVERED VIA E-MAIL)
Mr. Andrew Nellis (DELIVERED VIA E-MAIL)
Mr. Michael Lyn Rice (DELIVERED VIA E-MAIL)
Ms. Krystan Hitchcock (DELIVERED VIA E-MAIL)
Ms. Kelly Leonard (DELIVERED VIA E-MAIL)

Exhibit E



THE SUPREME COURT OF TEXAS

Orders Pronounced February 18, 2022

ORDERS ON CAUSES

19-1144 CITY OF SAN ANTONIO v. JIMMY MASPERO AND REGINA MASPERO, INDIVIDUALLY AND AS NEXT FRIENDS OF W.M., W.M., W.M., DECEASED, AND W.M., DECEASED, MINOR CHILDREN; from Bexar County; 4th Court of Appeals District (04-18-00286-CV, 628 SW3d 476, 08-28-19)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Justice Lehrmann delivered the opinion of the Court.

20-0293 CITY OF SAN ANTONIO v. ARMANDO D. RIOJAS; from Bexar County; 4th Court of Appeals District (04-19-00220-CV, 604 SW3d 432, 02-26-20)

The Court reverses the court of appeals' judgment and dismisses the case for lack of jurisdiction.

Chief Justice Hecht delivered the opinion of the Court.

ORDERS ON PETITIONS FOR REVIEW

THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

20-0558 EXXON MOBIL CORPORATION v. CITY OF SAN FRANCISCO, POTENTIAL DEFENDANT, DENNIS J. HERRERA IN HIS OFFICIAL CAPACITY AS CITY ATTORNEY FOR THE CITY OF SAN FRANCISCO, AND POTENTIAL WITNESS, EDWARD REISKIN IN HIS OFFICIAL CAPACITY AS DIRECTOR OF TRANSPORTATION FOR THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, ET AL.; from Tarrant County; 2nd Court of Appeals District (02-18-00106-CV, ___ SW3d ___, 06-18-20)

(Justice Lehrmann and Justice Blacklock not participating)

21-0078 AC INTERESTS, L.P., FORMERLY AMERICAN COATINGS, L.P v. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; from Travis County; 1st Court of Appeals District (01-19-00387-CV, ___ SW3d ___, 12-17-20)

21-0549 QADREE CAMPBELL v. ANGELA MARIE PECINA A/K/A ANGELA HOWELL AND GREGORY OLIVAREZ PECINA; from Collin County; 5th Court of Appeals District (05-19-00542-CV, ___ SW3d ___, 04-20-21)

21-0651 PAC PRODUCTION COMPANY, MESA OIL & GAS CORPORATION, CATTALO, LTD, GRANITE OPERATING COMPANY, AND APACHE CORPORATION v. TOMMY YOWELL, GAIL YOWELL, HARRY GRAFF, EL TERICO, LLC, CASUARINA INVESTMENTS, LLC, D/B/A LAR RESOURCES, LLC, PEYTON ROYALTIES, L.P., BAILEY PEYTON, INDIVIDUALLY AND AS TRUSTEE OF THE GEORGE BAILEY PEYTON, IV 2007 GRANTOR RETAINED ANNUITY TRUST NO. 1, AND PEYTON HOLDINGS; from Wheeler County; 7th Court of Appeals District (07-17-00112-CV, 630 SW3d 566, 06-25-21)

2 petitions

- 21-0740 MIDWEST COMPRESSOR SYSTEMS LLC D/B/A LRS v. HIGHLAND IMPERIAL, INC; from Collin County; 5th Court of Appeals District (05-19-01115-CV, ___ SW3d ___, 06-22-21)
- 21-0754 POSSE ENERGY, LTD. v. PARSLEY ENERGY, LP AND PACER ENERGY, LTD.; from Upton County; 8th Court of Appeals District (08-20-00061-CV, 632 SW3d 677, 07-26-21)
- 21-0778 JEFFNA MCKINNEY, INDIVIDUALLY AND AS EXECUTRIX OF SID TALLEY'S ESTATE v. LEE BIVINS FOUNDATION D/B/A BIVINS POINTE AND BETTY BIVINS CHILDERS FOUNDATION D/B/A BIVINS POINTE; from Potter County; 7th Court of Appeals District (07-20-00273-CV, ___ SW3d ___, 06-25-21)
- 21-0839 DAVID AND CYNTHIA DRERUP v. THOMAS AND KAREN MCQUILLING; from Harris County; 1st Court of Appeals District (01-20-00844-CV, ___ SW3d ___, 08-12-21)
- 21-0866 KATHRYN A. MURPHY v. JUAN I. TERRAZAS; from Johnson County; 10th Court of Appeals District (10-21-00165-CV, ___ SW3d ___, 08-18-21)
- 21-0906 IN THE INTEREST OF P.Z.F., A CHILD; from Dallas County; 5th Court of Appeals District (05-21-00161-CV, ___ SW3d ___, 09-02-21)
- 21-0960 WC 1ST AND TRINITY, LP; WC 1ST AND TRINITY GP, LLC; WC 3RD AND CONGRESS, LP; AND WC 3RD AND CONGRESS GP, LLC v. THE ROY F. & JOANN COLE MITTE FOUNDATION; from Travis County; 3rd Court of Appeals District (03-19-00799-CV, ___ SW3d ___, 09-30-21)
- 21-0973 LASZLO HERCZEG v. 5005 SSR, LLC; from Travis County; 3rd Court of Appeals District (03-19-00760-CV, ___ SW3d ___, 08-31-21)

21-0974 MICHAEL NEVAREZ AND THE LAW OFFICES OF MICHAEL R. NEVAREZ, A PROFESSIONAL CORPORATION, D/B/A NEVAREZ LAW FIRM, P.C. v. USAA FEDERAL SAVINGS BANK; from El Paso County; 8th Court of Appeals District (08-19-00120-CV, 630 SW3d 416, 03-05-21)

21-1075 BETTY C. BRITTON v. KENNETH K. LAUGHLIN; from Hood County; 2nd Court of Appeals District (02-20-00226-CV, ___ SW3d ___, 11-10-21)

21-1077 BRET CALI v. SISTERDALE GENERAL HOLDINGS, LLC, JASON UNDERWOOD, AND TOM UNDERWOOD; from Kendall County; 4th Court of Appeals District (04-20-00548-CV, ___ SW3d ___, 11-03-21)

22-0005 GUADALUPE MARIA ZERMENO, MARIA G. ZERMENO AND ILDEFONZO ZERMENO v. CAROLYN STONE; from Harris County; 1st Court of Appeals District (01-20-00687-CV, ___ SW3d ___, 11-02-21)

22-0091 IN THE INTEREST OF E.L.D., P.D.D., JR., A.S.E., Z.T.D. AND J.T.N.D., CHILDREN; from McLennan County; 10th Court of Appeals District (10-21-00239-CV, ___ SW3d ___, 01-26-22)
motion to withdraw as counsel granted

THE FOLLOWING PETITION FOR REVIEW IS DISMISSED FOR WANT OF JURISDICTION:

21-1036 VIVIAN ALFORD v. BARBARA STROLL; from Harris County; 1st Court of Appeals District (01-21-00365-CV, ___ SW3d ___, 09-28-21)

See TEX. R. APP. P. 53.7(a)

ORDERS ON MOTIONS FOR REHEARING

THE MOTIONS FOR REHEARING OF THE FOLLOWING PETITIONS FOR REVIEW ARE DENIED:

19-0381 CESSNA AIRCRAFT COMPANY AND TEXTRON AVIATION INC. v. JORGE GARCIA, ET AL.; from Hidalgo County; 13th Court of Appeals District (13-17-00259-CV, ___ SW3d ___, 12-19-18)

20-0072 UNION CARBIDE CORPORATION v. OSCAR TORRES AND DORA TORRES; from Cameron County; 13th Court of Appeals District (13-10-00325-CV, ___ SW3d ___, 12-19-19)

21-0112 RICHARD STEPHEN CALKINS v. CAROLYN CALKINS JAMES AND MAURICE BRESENHAN, JR., ADMINISTRATOR OF THE ESTATE OF MARY OLIVE HULL CALKINS, DECEASED; from Harris County; 1st Court of Appeals District (01-19-00703-CV, ___ SW3d ___, 10-13-20)
motion to strike dismissed as moot

21-0411 IN THE INTEREST OF M.K.J., A MINOR CHILD; from Brazos County; 13th Court of Appeals District (13-20-00033-CV, ___ SW3d ___, 04-29-21)

21-0569 FELIX P. BABAUTA v. DEBRA V. JENNINGS AND RALPHAELL V. WILKINS; from Harris County; 14th Court of Appeals District (14-16-00540-CV, ___ SW3d ___, 03-02-21)

21-0875 ANTONIO RUIZ, MARTHA RUIZ, AND ALL OCCUPANTS OF 11207 BAYOU PLACE LANE, HOUSTON, TEXAS, 77099 v. INVUM THREE, LLC; from Harris County; 14th Court of Appeals District (14-19-00516-CV, ___ SW3d ___, 07-13-21)

THE MOTION FOR REHEARING OF THE FOLLOWING PETITION FOR WRIT OF
MANDAMUS IS DENIED:

21-1043 IN RE MARK JOSEPH WATSON; from Hays County; 3rd Court of Appeals District (03-21-00584-CV, ___ SW3d ___, 11-18-21)

MISCELLANEOUS

THE FOLLOWING PETITIONS FOR WRIT OF MANDAMUS ARE DENIED:

21-0207 IN RE UNION PACIFIC RAILROAD COMPANY; from Tarrant County; 2nd Court of Appeals District (02-20-00400-CV, ___ SW3d ___, 02-24-21)
stay order issued March 19, 2021, lifted

21-0463 IN RE LUCKYGUNNER, LLC, RED STAG FULFILLMENT, LLC, MOLLENHOUR GROSS, LLC, JORDAN MOLLENHOUR, AND DUSTIN GROSS; from Galveston County; 14th Court of Appeals District (14-21-00194-CV, ___ SW3d ___, 05-12-21)
motion for temporary relief and stay of proceedings denied

21-0860 IN RE ATAIN SPECIALTY INSURANCE COMPANY; from Galveston County; 1st Court of Appeals District (01-21-00237-CV, ___ SW3d ___, 09-30-21)
stay order issued October 8, 2021, lifted

21-0976 IN RE HOLLEE MIZE; from Harris County; 1st Court of Appeals District (01-20-00790-CV, ___ SW3d ___, 09-28-21)

22-0026 IN RE DANIEL AIELLO #2176225

22-0106 IN RE MICHAEL MOTHERAL IN HIS OFFICIAL CAPACITY AS CHAIR OF THE UNIVERSITY INTERSCHOLASTIC LEAGUE'S STATE EXECUTIVE COMMITTEE; JOHANNA DENSON IN HER OFFICIAL CAPACITY AS VICE CHAIR OF THE UIL SEC; PAUL GALVAN IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE UIL SEC; AND DARYL WADE IN HIS OFFICIAL CAPACITY AS A MEMBER OF THE UIL SEC; from Travis County; 3rd Court of Appeals District (03-21-00671-CV)
relators' motion for temporary relief denied

EXHIBIT F

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER STONE,
individually and as next friends of
CHRISTOPHER JAKE STONE, et al.,

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS, et al.,

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

AFFIDAVIT OF CLINT E. MCGUIRE

1. My name is Clint E. McGuire. I am an attorney of record for the Plaintiffs and Intervenor Rosie Yanas and Christopher Stone, individually and as next friends of Christopher Jake Stone, Mark McLeod and Gail McLeod, Individually and as next friends of Aaron Kyle McLeod, Pamela Stanich, individually and as next friend of Jared Conard Black, Shannan Claussen, individually and as next friend of Christian Riley Garcia, Abdul Aziz and Farah Naz, individually and as next friends of Sabika Aziz Sheikh, Clayton Horn and Flo Rice in the above referenced case. I am over the age of eighteen, of sound mind and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge.
2. I graduated from South Texas College of Law in 1999. While at South Texas College of Law, I was a Langdell Scholar and won the best speaker award and best brief award at both of the two national moot court competitions I competed in. I received my license to practice law from the State of Texas in 1999. I am admitted to practice in the State of Texas and United States District Courts for the Southern and Eastern Districts of Texas. I am board certified by the Texas Board of Legal Specialization in personal injury trial law. Currently, only about 10% of lawyers licensed to practice in the State of Texas are board certified.
3. I have tried over 20 cases to verdict. I am a member of the Million Dollar Advocates and have personally handled over thirty cases where my client was awarded or recovered more than a million dollars.
4. My current hourly rate is \$500 per hour. This rate is based on many factors including my experience, trial results, overhead, historical revenue, and what others with similar skill, experience and expertise charge. According to the Texas Lawyer, the median rate for an equity partner in the Houston area for 2012 was

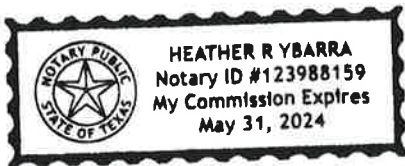
\$388/hour. My trial experience, success rate, record of results, expertise, and reputation easily justify an hourly rate above what the average partner billed in the Houston area in 2012. My hourly rate of \$500 per hour is well within the range of what others of similar experience, expertise, and skill charge in the Houston area, including Galveston County. Additionally, using gross revenue generated from the last several years, charging \$500 per hour is actually a decrease in revenue to me from what I receive in personal injury contingency matters.

5. I spent over 20 hours responding to Defendants' Rule 91a Motion to Dismiss. My time responding to Defendants' Rule 91a Motion to Dismiss was recorded at or near the time that it was expended. I am seeking recovery for 15.75 hours of my time at \$500/hour responding to Defendants' Rule 91a Motion to Dismiss, totaling \$7,875.00. Those hours include the following:
 - a. January 6, 2021 1.7 hours receiving and reviewing Defendants' Rule 91a Motion, corresponded with defense counsel via email concerning hearing;
 - b. January 27, 2021 0.1 hours reviewing email received from Defendants' counsel setting Rule 91a Motion for a hearing;
 - c. January 28, 2021 4 hours conducting legal research on Rule 91a Motions, the standard, burden of proof, etc;
 - d. January 29, 2021 2.5 hours continuing legal research on Rule 91a Motions;
 - e. February 15, 2021 0.5 hours TC with defense counsel concerning weather and the hearing; TC with co-counsel concerning re-setting the hearing; receipt of email correspondence concerning re-setting the hearing;
 - f. February 8, 2021 1.5 hours Receipt and review of draft of Response to Rule 91a Motion to Dismiss;
 - g. February 10, 2021 1.0 hours correspondence with co-counsel concerning Response; edited and reviewed final draft of Response; Response put into final form to file;
 - h. February 11, 2021 0.5 hours TC with counsel concerning strategy for hearing;
 - i. February 25, 2021 0.1 hours reviewing email to confer and reset the hearing on Rule 91a Motion;
 - j. February 25, 2021 0.4 hours corresponding with counsel for all plaintiffs/intervenors on availability for Rule 91a motion;
 - k. February 26, 2021 0.1 hours drafting email to defense counsel concerning availability for 91a hearing;
 - l. March 8, 2021 1.5 hours reviewing Defendants' reply and reviewing authorities;
 - m. March 10, 2021 0.5 hours preparing for hearing;
 - n. March 10, 2021 1.25 hours attended hearing on Defendants' Rule 91a Motion to Dismiss;
 - o. March 24, 2021 0.1 hours drafting email to defense counsel forwarding a copy of the Order.

6. Since March 24, 2021, I spent over 10 hours responding to Defendants' mandamus and related motions concerning Defendants' Rule 91a Motion to Dismiss in the Fourteenth Court of Appeals and Texas Supreme Court. My time was recorded at or near the time that it was expended. I am seeking recovery for 5.4 hours of my time spent responding to the mandamus related motions at \$500/hour, totaling \$2,700.00. The time spent includes the following:
 - a. April 13, 2021 .5 hours receipt and review of Defendants' mandamus and motion to stay.
 - b. April 15, 2021 .1 email with co-counsel concerning letter to the 14th Court of Appeals concerning Defendants' mandamus and emergency motion to stay.
 - c. April 21, 2021 1.0 Received, reviewed and analyzed draft opposition of motion to stay proceedings.
 - d. April 22, 2021 .4 Received, reviewed and drafted emails and documents concerning supplemental mandamus record.
 - e. April 28, 2021 .1 Receipt of email from co-counsel re pro hac motions to confirm we conferred with defense counsel.
 - f. May 12, 2021 .1 Reviewed 14th Court of Appeals' decision.
 - g. May 17, 2021 .1 Corresponded with defense counsel concerning mandamus and defense counsel's future plans.
 - h. May 18, 2021 .5 Two telephone conferences with defense counsel concerning mandamus to Texas Supreme Court, and correspondence with plaintiffs' counsel concerning the same.
 - i. June 10, 2021 1.0 Reviewed and edited opposition brief to Texas Supreme Court.
 - j. June 11, 2021. .1 Confirmed opposition brief was filed and accepted.
 - k. June 14, 2021 .1 Conferred with Andy Landry re pro hac motions.
 - l. August 5, 2021 1.2 Receipt, review and edit of mandamus opposition brief.
 - m. November 23, 2021 .1 TC with Andy Landry re one extension to file response.
 - n. February 19, 2022 .1 Receipt of Texas Supreme Court decision.
7. When considering all of the factors set forth in *Arthur Anderson*, including the complexity of the legal issues involved, the fact that performing the above work precluded me from working on other matters, the fees customarily charged, and the amount at issue in this case, the time I spent and am seeking recovery for in paragraphs 6 and 7 was reasonable and necessary to respond to Defendants' Rule 91a Motion in the trial and appellate courts.
8. Further affiant sayeth not.

Clint McGuire
Clint E. McGuire

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on
this 1 day of April, 2022.



Heather R Ybarra
NOTARY PUBLIC, in and for
The State of Texas

My Commission Expires: 5/31/2024

EXHIBIT G

ROSIE YANAS and CHRISTOPHER STONE,
individually and as next friends of
CHRISTOPHER JAKE STONE, et al.,

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS, et al.,

Defendants.

IN THE COUNTY AT LAW

NUMBER 3

GALVESTON COUNTY, TEXAS

AFFIDAVIT OF ALTON C. TODD

STATE OF TEXAS §
COUNTY OF GALVESTON §


BEFORE ME, the undersigned Notary Public, on this day personally appeared ALTON C. TODD, known to me to be the person whose name is subscribed below and to the foregoing document, and being first duly sworn, according to law, upon oath, declared and affirmed the following statements:

1. "My name is ALTON C. TODD I am over twenty-one (21) years of age. I am fully competent to make this affidavit.
2. I am principal of The Law Firm of Alton C. Todd, and the lead attorney who represents the Plaintiff in the above captioned matter. My business address is 312 S. Friendswood Dr, Friendswood, Texas 77546.
3. I make this affidavit in support of attorneys' fees for legal representation provided to the Plaintiff in this matter.
4. I graduated from SMU Dedman School of Law in 1971. While at SMU I was a member of the Board of Editors for the Southwestern Law Journal. I have been practicing in the State of Texas for over 40 years. I am licensed to practice law in Texas and Georgia, and admitted to practice before the U.S. Supreme Court, Fifth and 11th Circuits, U.S. Courts of Appeals, and the U.S. District Courts for the Northern, Eastern, Western and Southern Districts of Texas and Eastern District of Louisiana. I am Board Certified in both Personal Injury and Civil Trial law, and a past member of the board of directors for the Texas Board of Legal Specialization. I am currently a Fellow in the American College of Trial Lawyers, the International Academy of Trial Lawyers and the National Board of Trial


Advocates, and a Member and Diplomat of the American Board of Trial Advocates.

5. The reasonable and necessary attorney fees charged to represent Plaintiff RHONDA HART in responding to the TRCP 91a Motion to Dismiss of the Defendant Tennessee is reflected below. My current hourly rate is \$750 per hour. This rate is based on many factors including my experience, trial results, overhead, historical revenue and what others with similar skill, experience and expertise charge. Plaintiff's counsel Alton C. Todd has been involved in this case since August 28, 2018.
 - a. January 27, 2021 2.0 hours reviewing Defendant's Rule 91a Motion;
 - b. January 29, 2021 3.5 hours legal research on Rule 91a Motions, the standard, burden of proof, etc;
 - c. January 30, 2021 3.0 hours legal research on Rule 91a Motions;
 - d. February 15, 2021 .5 hours TC with defense counsel concerning weather and hearing; TC with co-counsel concerning re-setting the hearing; receipt of email correspondence concerning re-setting the hearing;
 - e. February 8, 2021 1.0 hours Receipt and review of draft of Response to Rule 91a Motion to Dismiss;
 - f. February 10, 2021 1.0 hours correspondence with co-counsel concerning Response; edited and reviewed final draft of Response; Response put into final form to file;
 - g. February 12, 2021 .5 hours TC with counsel concerning strategy for hearing;
 - h. March 9, 2021 1.0 hours reviewing Defendant's reply and reviewing authorities;
 - i. March 10, 2021 .5 hours preparing for hearing; and
 - j. March 10, 2021 1.25 hours attended hearing on Defendant's Rule 91a Motion to Dismiss.
6. I have worked on this matter with paralegal, Krista Wilson. The time we have spent on this matter has been reasonable and the work was necessary in light of the unique legal issues requiring substantial research, hearing and response of Defendants' TRCP 91a. Although Plaintiff's counsel Alton C. Todd did not present the oral argument before the court on behalf of the Plaintiff, a substantial amount of the work was done in research and preparation for the response that was done by attorney Alla Lefkowitz.
7. The total for the attorneys' fees is \$10,687.50, plus \$421.84 in expenses in this matter is a total attorneys' fees and expenses of: \$11,109.34.
8. The attorney fees charged are reasonable and necessary and within the range of fees charged by attorneys practicing in this county."

Further Affiant Sayeth Not.


ALTON C. TODD

16 SWORN TO AND SUBSCRIBED before me by the said ALTON C. TODD, on the
day of April, 2021.


NOTARY PUBLIC,
STATE OF TEXAS

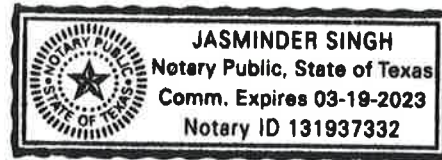


EXHIBIT H

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

**AFFIDAVIT OF ALLA LEFKOWITZ IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

BEFORE ME, the undersigned authority, personally appeared Alla Lefkowitz, who being duly sworn, stated as follows:

1. My name is Alla Lefkowitz. I am an attorney of record for Abdul Aziz and Farah Naz, individually and as next friends of Sabika Aziz Sheikh, in the above-captioned case. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge.

2. I am an attorney licensed in the State of New York since 2011 and in Washington D.C. since 2017. My license has never been suspended or revoked.

3. I was admitted *pro hac vice* by this Court to practice in the above-captioned case. I was also admitted *pro hac vice* by the Fourteenth District Court of Appeals to represent my clients in the mandamus proceeding captioned as *In re: LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross* (Court of Appeals Number 14-21-00194-CV) on May 12, 2021. I was admitted *pro hac vice* by the Supreme Court of Texas to represent my clients in the mandamus proceeding captioned as *In re: LuckyGunner, LLC, Red Stag*

Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross (Supreme Court Case Number 21-0463) on June 15, 2021.

4. I graduated from Duke Law School in 2010. From 2011-2013, I worked as an associate at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP in New York, primarily in the Litigation group. From 2014-2017, I worked at the Brady Center to Prevent Gun Violence as a Staff Attorney and then Senior Staff Attorney. Since 2017, I have worked at Everytown Law, first as a Deputy Director, then as a Director of Affirmative Litigation, and currently as the Senior Director of Affirmative Litigation. I am one of the founding attorneys at Everytown Law. In my current position, I regularly brief and argue motions, take and oversee depositions, oversee case strategy and development, and review and edit the work of attorneys on the Affirmative Litigation team.

5. First at Brady, and now at Everytown, I regularly represent victims of gun violence as plaintiffs in wrongful death and personal injury litigation. My cases have resulted in groundbreaking settlements and judicial precedent throughout the country. This is a highly specialized area of law due to the existence of the Protection of Lawful Commerce in Arms Act (“PLCAA”), a federal law on which defendants in the gun industry regularly rely. Through my work, I have become one of the foremost experts in the country on PLCAA. In addition to having litigated over a dozen cases involving PLCAA, I write on the subject and am regularly asked to speak on panels about PLCAA and firearms litigation.

6. As the Senior Director of Affirmative Litigation, I am responsible for, among other things, assigning attorneys to cases and overseeing their work. Given the importance of this case, the multiple complex issues it entails, and the tight turnaround time on multiple appellate briefs, four Everytown Law attorneys were assigned to this case (including myself). Because a central

argument in the Tennessee Defendants' 91a motion and mandamus petitions was the applicability of PLCAA, the Everytown Law attorneys took the lead role in responding to the motion and mandamus proceedings. This entailed (i) reviewing a total of 11 briefs filed by the Tennessee Defendants; (ii) reviewing one amicus brief filed in support of the Tennessee Defendants by the National Shooting Sports Foundation; (iii) researching and drafting five responsive briefs; and (iv) preparing for and arguing the motion in this Court. The combined effort required a substantial allocation of time and resources, which is detailed below and in the affidavits of Molly Thomas-Jensen, Krystan Hitchcock, and Andrew Nellis. As detailed below, each of the Everytown Law attorneys took on different aspects of the above work, to avoid any duplication.

7. In order to respond to the 91a motion at the trial court level, I undertook the following necessary work: (i) corresponded with local counsel about case research, the Texas Rules of Civil Procedure, local rules, and reviewing various versions of the opposition brief; (ii) drafted the portions of Plaintiffs' opposition brief pertaining to PLCAA; (iii) reviewed and edited the remaining portions of the brief which were drafted by my colleague Krystan Hitchcock; (iv) met with my colleague Krystan Hitchcock on numerous occasions to supervise her research and drafting; (v) conducted legal research; (vi) met with co-counsel to discuss strategy for opposing the Rule 91a motion; (vii) participated in two moot courts in advance of the Rule 91a motion hearing; and (viii) argued the Rule 91a motion on behalf of all the plaintiffs in the consolidated cases. As indicated in the affidavit of Molly Thomas-Jensen, her role with respect to the trial court 91a proceedings was to review and provide edits to the opposition brief, as well as to help prepare me for the 91a hearing.

8. At the Court of Appeals, I (i) drafted and edited correspondence to the court in response to the Tennessee Defendants' correspondence; (ii) reviewed the Tennessee Defendants'

Emergency Motion to Stay; and (iii) reviewed and edited the Plaintiffs' 21-page opposition to the Emergency Motion to Stay. None of my other colleagues are seeking reimbursement for any work at this stage.

9. After the Tennessee Defendants filed their petition for mandamus and motion to stay at the Texas Supreme Court, I undertook the following work: (i) reviewing and editing the opposition to the mandamus petition; (ii) conducting research for, and drafting portions of, the merits opposition brief; (iii) reviewing and editing the merits opposition brief; and (iv) meeting with our Texas appellate counsel, Martin Siegel, to discuss appellate strategy. At the Texas Supreme Court stage, it was necessary for us to respond to three separate briefs filed by the Tennessee Defendants: (i) an emergency motion to stay; (ii) a 70-page petition for writ of mandamus, which raised a number of complex issues pertaining to PLCAA, the appropriate standard for reviewing 91a motions, the required state of mind for the defendants to be held liable, the applicability of Texas common law, and the standards for mandamus review; and (iii) a 68-page brief on the merits, which addressed numerous topics including PLCAA, the appropriate standard for reviewing 91a motions, the sufficiency of the Plaintiffs' complaints, the required state of mind for the defendants to be held liable, Texas common law, and whether the Tennessee Defendants were irreparably harmed. The Plaintiffs' necessary responsive briefing (as requested by the Supreme Court) included: (i) a 21-page opposition to the motion to stay, explaining why a stay was not appropriate at the current stage; (ii) a 20-page response to the petition for writ of mandamus, which addressed the appropriate pleading standards, the applicability of PLCAA, and the fact that Plaintiffs' claims are supported by Texas common law; and (iii) a 61-page merits opposition brief, which addressed in greater detail, the appropriate pleading standards, the relevant statutory background, the applicability of PLCAA, and the role of Texas common law. As

reflected in his affidavit, Andrew Nellis was the primary drafter of the opposition to the emergency motion to stay, and also drafted portions of the oppositions to the mandamus petition and merits brief. Krystan Hitchcock drafted additional portions of the oppositions to the mandamus petition and merits brief. Molly Thomas-Jensen provided editing assistance on the oppositions to the motion to stay and petition for mandamus, and also drafted the portion of the opposition merits brief pertaining to the appropriate standard of review. Finally, my role at the Supreme Court stage was primarily to provide edits to the mandamus opposition brief and merits opposition brief, as well as to draft portions of the merits opposition brief pertaining to PLCAA and Texas tort law.

10. I kept contemporaneous records of my time working on responding to the Rule 91a motion and the corresponding mandamus petitions. The entries for which we are seeking a court award are set forth below. These time records are maintained in chronological order, showing the date, timekeeper, task performed, and time expended for all work for each entry. My time spent performing the above legal work was 142.34 hours.

Effective Date	Hours	Description
01/21/2021	.5	Research for 91a brief (.5hrs)
01/25/2021	4.00	Research for 91a opposition brief; drafting brief
01/27/2021	3.5	Drafting portion of 91a opposition brief.
02/01/2021	4.25	Drafting 91a opposition brief; reviewing section drafted by K. Hitchcock
02/04/2021	1.50	Drafting 91a opposition brief
02/06/2021	4.25	Drafting 91a opposition brief
02/07/2021	12.00	Drafting 91a opposition brief
02/08/2021	2.00	Drafting 91a opposition brief
02/09/2021	5.50	Editing 91a opposition brief; additional research for opposition brief
02/10/2021	4.50	Finalizing 91a opposition brief

02/12/2021	0.50	Meeting w/M. Thomas-Jensen, K. Hitchcock, Clint McGuire, S. Chandler, A. Southerland, D. Appfel and L. Chandler to discuss strategy for upcoming 91a motion hearing.
03/08/2021	1.00	Moot court for 91a hearing w/M. Thomas-Jensen and K. Hitchcock
03/08/2021	5.33	Prepare for 91a hearing; review defendants' reply briefs.
03/09/2021	9.50	Prepare for 91a hearing; review defendants' reply briefs
03/09/2021	1.00	Moot court for 91a hearing w/M. Thomas-Jensen; K. Hitchcock; and E. Tirschwell
03/10/2021	2.75	Prepare for 91a hearing
03/10/2021	0.50	Meeting w/C. McGuire, A. Todd, D. Appfell, M. Thomas-Jensen, and K. Hitchcock in advance of 91a hearing
03/10/2021	1.33	91a hearing
04/14/2021	0.75	Draft letter in response to defendants' letter to Court of Appeals (.5 hr); review M. Thomas-Jensen's edits to letter (15 min)
04/20/2021	2.33	Review first draft of opposition to emergency stay brief and provide edits.
04/21/2021	5.17	Review and edit second turn of opposition brief to emergency stay motion.
04/22/2021	2.42	Final review and edits of opposition to emergency stay brief (1 hr 45 min); put together shell of supplemental mandamus record (40 min).
06/01/2021	1.00	Phone call with M. Siegel, M. Thomas-Jensen, A. Nellis, and K. Hitchcock to discuss response to motion for stay and mandamus petition in the Texas Supreme Court
07/15/2021	1.17	Reviewing and commenting on draft opposition to mandamus petition.
07/26/2021	3.25	Reviewing and editing draft opposition to mandamus petition.
07/29/2021	0.50	Meeting with M. Siegel, M. Thomas-Jensen, A. Nellis and K. Hitchcock to discuss revisions to mandamus opposition brief
07/30/2021	0.75	Further edits to Statement of Jurisdiction in mandamus opposition brief
08/02/2021	3.42	Edits to mandamus opposition brief
08/05/2021	2.33	Continue editing mandamus opposition brief
08/06/2021	1.00	Edit preliminary and jurisdiction section of mandamus opposition brief.
08/07/2021	3.42	Continue editing mandamus opposition brief; input co-counsel edits

08/08/2021	4.58	Continue editing mandamus opposition brief; input co-counsel edits.
08/09/2021	2.67	Finalizing mandamus opposition brief - final edits, proofread, communicate with co-counsel.
12/06/2021	2.50	Draft, and conduct research for, knowing violation section of Santa Fe merits brief.
12/08/2021	3.50	Draft, and conduct research for, knowing violation section of Santa Fe merits opposition brief.
12/11/2021	3.50	Continue drafting, and conducting research for, Santa Fe merits opposition brief (focus on PLCAA section).
12/12/2021	4.50	Continue drafting Santa Fe merits opposition brief (PLCAA section); input sections from other team members.
12/13/2021	5.17	Continue drafting Santa Fe Merits opposition brief
12/14/2021	4.42	Continue drafting portion of Santa Merits opposition brief
12/15/2021	4.25	Continuing to edit, and conduct research for, Santa Fe merits opposition brief.
12/16/2021	3.75	Continue revising, and conducting further research for, Santa Fe merits opposition brief
12/18/2021	1.75	Conduct outstanding case research for Santa Fe merits brief
12/19/2021	4.50	Continue editing Santa Fe Merits opposition brief; conduct outstanding case research for brief.
12/20/2021	3.50	Continue to edit Santa Fe merits brief
12/21/2021	2.33	Finalize and proofread Santa Fe Merits brief
Total	142.34	

11. None of the Everytown Law attorneys, including myself, have included any time spent compiling their affidavits for this application, time for any of their cite-checking work, or time for any internal meetings. We have also not included the time of any Everytown Law paralegal and administrative staff, or any consultation that we engaged in with attorneys who are not attorneys of record in this case. I have also not included the time I spent drafting and reviewing email correspondence with my co-counsel in Texas, and the time I spent reviewing the Tennessee Defendants' briefs.

12. As the litigation arm of a 501(c)(3) non-profit, Everytown Law does not charge our clients attorneys' fees. However, our clients in this case have authorized Everytown Law to seek

and retain an award of attorneys' fees and costs from the Court, to the extent such an award is authorized by law. The reasonable hourly rate for my time in this case is \$450/hour. This rate is based on a number of factors, including my experience and expertise, the novelty and complexity of the issues involved (particularly with respect to PLCAA), and the market rate for attorneys in the Houston-area with similar skills, experience and expertise. In compiling this affidavit, I reviewed application for attorneys' fees submitted by attorneys litigating in Texas with similar levels of experience from specialized public-interest organizations. My hourly rate is in-line or lower than the rates that I reviewed in the aforementioned applications.

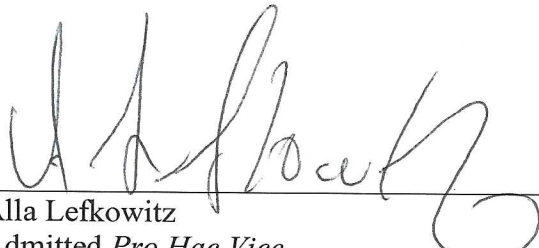
13. Thus, to date, and excluding certain work that I have referred to in paragraph 11 above, I have performed work valued at \$64,053 in attorney's fees. I have arrived at this amount by multiplying the time worked by my hourly rate. In my opinion, this expense is a reasonable and necessary amount of attorney's fees in order to defend against the Tennessee Defendants' Rule 91a motion in this case given the legal complexity of the issues involved and time spent. Although I do not believe that any of the hours worked on the 91a motion and its corresponding mandamus petitions were excessive, redundant or otherwise unnecessary, to err on the conservative side and account for my supervisory role, I am reducing this amount of my fees for which we are seeking reimbursement by 15%, down to \$54,445.05.

14. In addition to my hourly fees, I paid \$255.88 on April 28, 2021 for *pro hac vice* admission to the Fourteenth of Appeals, and I paid \$255.88 on June 11, 2021 for *pro hac vice* admission to the Supreme Court of Texas – both fees that I (and my colleagues) would not have incurred but for Tennessee Defendants' unsuccessful appeals.

15. I thus seek reimbursement for \$54,956.81 (attorney's fees and *pro hac vice* admission costs).

16. Further affiant sayeth not.

Signed this 1st date of April 2022.


Alla Lefkowitz
Admitted *Pro Hac Vice*

SUBSCRIBED AND SWORN TO BEFORE ME on the 1 date of April 2021, to certify which witness my hand and official seal.


Notary Public for the State of New York

District of Columbia

Signed and sworn to before me on

1 April, 2022

by Alla Lefkowitz

Ed Wiley Shelton

Notary Public

My commission expires 05/14/2024

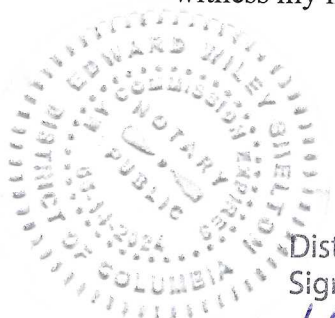


EXHIBIT I

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

**AFFIDAVIT OF MOLLY THOMAS-JENSEN IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

BEFORE ME, the undersigned authority, personally appeared Molly Thomas-Jensen, who being duly sworn, stated as follows:

1. My name is Molly Thomas-Jensen. I am an attorney of record for Abdul Aziz and Farah Naz in the above-captioned case. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge.

2. I am an attorney licensed in the State of New York since 2009. My license has never been suspended or revoked. I was admitted *pro hac vice* by this Court to represent my clients in the above-captioned case on January 2, 2019. I was admitted *pro hac vice* by the Fourteenth Court of Appeals to represent my clients in the mandamus petition captioned as *In re: LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross* (Court of Appeals Number 14-21-00194-CV) on May 12, 2021. I was admitted *pro hac vice* by the Supreme Court of Texas to represent my clients in the mandamus petition captioned as *In re:*

LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross (Supreme Court Case Number 21-0463) on June 15, 2021.

3. I graduated from Harvard Law School, *magna cum laude*, in 2008. Following law school, I served as a law clerk to the Honorable Daniel E. Winfree, Justice on the Alaska Supreme Court from 2008-2009. From 2009-2010, I clerked for the Honorable Robert P. Patterson, Jr., U.S. District Judge on the U.S. District Court for the Southern District of New York.

4. From 2010-2012, I practiced law at South Brooklyn Legal Services, where I provided direct representation to New Yorkers living in poverty. I appeared regularly in court (federal and state) and also represented clients in administrative proceedings. From 2012-2015, I worked in house at a federation of labor unions. From 2016-2018, I served as deputy counsel and, after a promotion, counsel to Letitia James, who was then Public Advocate for the City of New York. I advised Public Advocate James on numerous matters and represented the Public Advocate in litigation in numerous courts around the country. In that capacity, I led litigation against agencies of the City of New York to vindicate the civil rights of New Yorkers and increase transparency and oversight of city agencies. I briefed and argued oppositions to motions to dismiss and appeals and supervised a large amicus brief practice, including amicus briefs concerning the applicability of the Protection of Lawful Commerce in Arms Act.

5. I have worked at Everytown Law, the litigation arm of Everytown for Gun Safety Support Fund, since 2018, where I am now Deputy Director, Affirmative Litigation. My practice at Everytown Law focuses on representing victims and survivors of gun violence. At Everytown Law, I regularly brief and argue dispositive motions, take depositions, brief and argue appeals, and conduct evidentiary hearings in state and federal courts across the country. As an expert on

litigation in the aftermath of shooting incidents, I regularly speak at law schools about our work and advocating on behalf of victims and survivors of gun violence.

6. Given my work at the Public Advocate's Office and at Everytown Law, I have developed an expertise in briefing and arguing motions concerning the applicability of the Protection of Lawful Commerce in Arms Act. This is a specialized area of law that requires knowledge of the statute's history, text, and applicable caselaw. I am one of few attorneys in the country with experience in litigating the Protection of Lawful Commerce in Arms Act.

7. During proceedings before this Court, I revised and edited the Plaintiffs' opposition to Defendants' Rule 91a motion to dismiss, which was argued before this Court on March 10, 2021. To do this, I reviewed the Tennessee Defendants' Rule 91a motion to dismiss and the pleadings in this case, performed legal research, closely read and revised the draft opposition brief prepared by my colleagues, Alla Lefkowitz and Krystan Hitchcock. Additionally, I participated in two moot courts in anticipation of the hearing and met with co-counsel to discuss our joint strategy concerning this brief.

8. I am not requesting fees for any work performed during proceedings before the Fourteenth Court of Appeals, which was minimal. During proceedings before the Texas Supreme Court, I reviewed briefs filed by the Tennessee Defendants, met with co-counsel to discuss appellate strategy, edited briefs, and drafted portions of briefs.

9. My time spent in performing the above legal work was 22.96 hours. I kept contemporaneous records of my time working on responding to the Rule 91a motion and subsequent mandamus petitions. The entries for which we are seeking a court award are set forth below. These time records are maintained in chronological order, showing the date, timekeeper, task performed, and time expended for all work for each entry. I have not included the time I spent

cite-checking briefs, reading the defendants' briefs, attending the 91a motion hearing, attending internal meetings about this matter, or compiling this affidavit.

Effective Date	Hours	Description
02/07/2021	3.30	Editing PLCAA section of opposition to Rule 91A motion to dismiss in Yanas et al. v. Pagourtzis et al.
02/10/2021	2.00	Proofreading final opposition brief to Tennessee Defendants' Rule 91a motion
02/12/2021	0.50	Meeting to discuss strategy and arguments for 91a motion hearing. Present: A. Lefkowitz, K. Hitchcock, C. McGuire, D. Appfel, L. Tylka, S. Chandler, A. Southerland, L. Chandler.
03/08/2021	1.00	Moot court for 91a hearing with A. Lefkowitz and K. Hitchcock
03/09/2021	1.00	Moot court for 91a hearing with A. Lefkowitz; K. Hitchcock; and E. Tirschwell
03/10/2021	0.50	Meeting with C. McGuire, A. Todd, D. Appfel, A. Lefkowitz, and K. Hitchcock in advance of 91a hearing
06/01/2021	1.00	Phone call with M. Siegel, A. Lefkowitz, A. Nellis, and K. Hitchcock to discuss response to motion for stay and mandamus petition
06/11/2021	1.83	Editing opposition to motion for stay
07/24/2021	5.58	Editing response to petition for mandamus
07/25/2021	0.75	Editing response to petition for mandamus
07/29/2021	0.50	Meeting with A. Lefkowitz, A. Nellis, K. Hitchcock, and M. Siegel to discuss revisions to response to mandamus petition
12/04/2021	5.00	Drafting portion of merits opposition brief in mandamus petition
Total:	22.96	

10. As the litigation arm of a 501(c)(3) non-profit, Everytown Law does not charge our clients attorneys' fees. However, our clients in this case have authorized Everytown Law to seek and retain an award of attorneys' fees and costs from the Court, to the extent such an award is

authorized by law. The reasonable hourly rate for my time in this case is \$400/hour. This rate is based on a number of factors, including my experience and expertise, the novelty and complexity of the issues involved (particularly with respect to the Protection of Lawful Commerce in Arms Act), and the market rate for attorneys in the Houston-area with similar skills, experience and expertise. In compiling this affidavit, I reviewed application for attorneys' fees submitted by attorneys litigating in Texas with similar levels of experience from specialized public-interest organizations. My hourly rate is in-line or lower than the rates that I reviewed in the aforementioned applications.

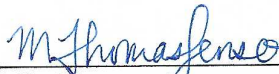
11. Thus, to date and excluding the time attending the motion hearing, I have performed work valued at \$9,184 in attorney's fees. I have arrived at this amount by multiplying the time worked by my hourly rate. In my opinion, this expense is a reasonable and necessary amount of attorney's fees in order to defend against the Tennessee Defendants' 91a motion and mandamus petitions stemming therefrom in this case given the legal complexity of the issues involved and time spent.

12. In addition to my hourly fees, I paid \$255.88 on April 28, 2021 for *pro hac vice* admission to the Fourteenth of Appeals, and I paid \$255.88 on June 11, 2021 for *pro hac vice* admission to the Supreme Court of Texas.

13. I thus seek reimbursement for \$9,695.76 (attorney's fees and *pro hac vice* admission costs).

14. Further affiant sayeth not.

Signed this 1st date of April 2022.


Molly Thomas-Jensen
Admitted *Pro Hac Vice*

SUBSCRIBED AND SWORN TO BEFORE ME on the 1st date of April 2022, to certify which witness my hand and official seal.

CHLOE HOLZMAN
Notary Public, State of New York
No. 02HO6333731
Qualified in KINGS COUNTY
Commission Expires NOV. 30, 2023


Notary Public for the State of New York

EXHIBIT J

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

**AFFIDAVIT OF KRYSTAN HITCHCOCK IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

BEFORE ME, the undersigned authority, personally appeared Krystan Hitchcock, who being duly sworn, stated as follows:

1. My name is Krystan Hitchcock. I am an attorney of record for Abdul Aziz and Farah Naz in the above-captioned case. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge.

2. I am an attorney licensed in the State of New York since 2014. My license has never been suspended or revoked. I was admitted *pro hac vice* by this Court to represent my clients in the above-captioned case on July 15, 2019. I was admitted *pro hac vice* by the Fourteenth Court of Appeals to represent my clients in the mandamus petition captioned as *In re: LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross* (Court of Appeals Number 14-21-00194-CV) on May 12, 2021. I was admitted *pro hac vice* by the Supreme Court of Texas to represent my clients in the mandamus petition captioned as *In re:*

LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross (Supreme Court Case Number 21-0463) on June 15, 2021.

3. I graduated from New York University School of Law in 2013. Following law school, I served as an Excelsior Fellow Attorney for the New York State Office of Children & Family Services from 2013-2015. From 2015-2017, I served as a Family Court Legal Services Attorney for the New York City Administration for Children Services (ACS). I appeared regularly in New York Family Court, representing ACS in child neglect and abuse proceedings. From 2017-2018, I served ACS as an Attorney Team Leader, continuing to maintain my active caseload of neglect, abuse, and severe abuse cases in Bronx Family Court while also supervising junior attorneys and approving settlements.

4. I have worked at Everytown Law, the litigation arm of Everytown for Gun Safety Support Fund, since 2018, where I am now Counsel. My practice at Everytown Law focuses on representing victims and survivors of gun violence. At Everytown Law, I regularly draft complaints, motions, amicus briefs and public record requests; brief dispositive motions, participate in depositions, and appear in state and federal courts across the country. As an expert on litigation in the aftermath of shooting incidents, I regularly speak at law schools about our work and advocating on behalf of victims and survivors of gun violence.

5. Given my work at Everytown Law, I have developed an expertise in briefing and arguing motions concerning the applicability of the Protection of Lawful Commerce in Arms Act. This is a specialized area of law that requires knowledge of the statute's history, text, and applicable caselaw. I am one of few attorneys in the country with experience in litigating the Protection of Lawful Commerce in Arms Act.

6. In this case, I researched, drafted and edited the Plaintiffs' opposition to Defendants' Rule 91a motion to dismiss, which was argued before this Court on March 10, 2021. To do this, I reviewed the Defendants' Rule 91a motion to dismiss and the pleadings in this case, performed legal research, drafted the draft opposition with my colleague Alla Lefkowitz, and completed revisions put forth by my colleague Molly Thomas-Jensen. Additionally, I participated in two moot courts in anticipation of the hearing and met with co-counsel to discuss our joint strategy concerning this brief. Although I believe that the time spent on this work was reasonable and necessary, in an effort to keep expenses down, we are not seeking reimbursement for any of my work at the trial court level and those time entries are not reflected below.

7. I did not perform any work with respect to the 91(a) motion before the Fourteenth Court of Appeals.

8. During proceedings before the Texas Supreme Court, I reviewed briefs filed by the Tennessee Defendants, met with co-counsel to discuss appellate strategy, edited briefs, and drafted portions of briefs.

9. My time spent in performing the above legal work was 23.5 hours. I kept contemporaneous records of my time working on responding to the Rule 91a motion. The entries for which we are seeking a court award are set forth below. These time records are maintained in chronological order, showing the date, timekeeper, task performed, and time expended for all work for each entry. I have not included the time I spent on any internal meetings or compiling this affidavit.

Effective Date	Hours	Description
05/27/2021	3.00	Outlining response to forthcoming mandamus petition
06/01/2021	1.00	Phone call with M. Siegel, A. Lefkowitz, A. Nellis, and M. Thomas-Jensen, to discuss response for mandamus petition

Effective Date	Hours	Description
06/02/2021	2.50	Researching for mandamus opposition
06/08/2021	2.50	Editing outline for response to petition for mandamus
06/21/2021	2.00	Drafting response to petition for mandamus
06/23/2021	2.50	Drafting response to petition for mandamus
07/19/2021	2.00	Drafting portions of merits opposition brief
07/20/2021	1.00	Drafting portions of merits opposition brief
07/21/2021	1.50	Drafting portions of merits opposition brief
07/22/2021	2.00	Drafting portions of merits opposition brief
07/23/2021	2.50	Drafting portions of merits opposition brief
07/29/2021	0.50	Meeting with A. Lefkowitz, A. Nellis, M. Thomas-Jensen, and M. Siegel to discuss revisions to response to mandamus petition
07/30/2021	0.50	Drafting portions of merits opposition brief
Total:	23.5	

10. As the litigation arm of a 501(c)(3) non-profit, Everytown Law does not charge our clients attorneys' fees. However, our clients in this case have authorized Everytown Law to seek and retain an award of attorneys' fees and costs from the Court, to the extent such an award is authorized by law. The reasonable hourly rate for my time in this case is \$350/hour. This rate is based on a number of factors, including my experience and expertise, the novelty and complexity of the issues involved (particularly with respect to PLCAA), and the market rate for attorneys in the Houston-area with similar skills, experience and expertise. In compiling this affidavit, I

reviewed application for attorneys' fees submitted by attorneys litigating in Texas with similar levels of experience from specialized public-interest organizations. My hourly rate is in-line or lower than the rates that I reviewed in the aforementioned applications.

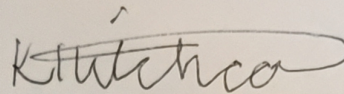
11. Thus, to date and excluding the time attending the motion hearing, and excluding the time referenced in paragraphs 6 and 7, I have performed work valued at \$8,225 in attorney's fees. I have arrived at this amount by multiplying the time worked by my hourly rate. In my opinion, this expense is a reasonable and necessary amount of attorney's fees in order to defend against the Tennessee Defendants' 91a motion in this case given the legal complexity of the issues involved and time spent.

12. In addition to my hourly fees, I paid \$255.88 on April 28, 2021 for *pro hac vice* admission to the Fourteenth of Appeals, and I paid \$255.88 on June 11, 2021 for *pro hac vice* admission to the Supreme Court of Texas.

13. I thus seek reimbursement for \$8736.76 (attorney's fees and *pro hac vice* admission costs).

14. Further affiant sayeth not.

Signed this 31 date of March 2022.

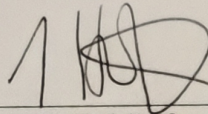


Krystan Hitchcock

Admitted *Pro Hac Vice*

SUBSCRIBED AND SWORN TO BEFORE ME on the 31 date of March 2022, to certify which witness my hand and official seal.

TERIL M HOLSTON
Notary Public, State of New York
Reg. No. 02HO6386508
Qualified in Bronx County
Commission Expires January 28, 2023



Notary Public for the State of New York

EXHIBIT K

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

**AFFIDAVIT OF ANDREW NELLIS IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

BEFORE ME, the undersigned authority, personally appeared Andrew Nellis, who being duly sworn, stated as follows:

1. My name is Andrew Nellis. I am the attorney of record for Abdul Aziz and Farah Naz in the above-captioned case. I am over the age of eighteen, of sound mind, and have never been convicted of a felony. The statements in this affidavit are true and correct and are based on my personal knowledge.

2. I am an attorney licensed in the State of New York since 2017 and in the District of Columbia since 2018. My license has never been suspended or revoked. I was admitted *pro hac vice* to represent my clients before the Texas Supreme Court in the related mandamus proceeding captioned *In re LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross* (No. 21-0463), and I have applied for admission *pro hac vice* to represent them before this Court in the instant case.

3. I graduated from New York University School of Law, *magna cum laude*, in 2016. From 2016 to 2018, I was a litigation fellow at Americans United for Separation of Church and

State, during which time I represented parties in courts across the country. From 2018 to 2019, I served as a law clerk to the Honorable Allyne R. Ross, U.S. District Judge on the U.S. District Court for the Eastern District of New York. From 2019 to 2020, I served as a law clerk to the Honorable Carolyn Dineen King, U.S. Circuit Judge on the U.S. Court of Appeals for the Fifth Circuit.

4. I have worked at Everytown Law, the litigation arm of Everytown for Gun Safety Support Fund, as an associate counsel, since 2021. My practice at Everytown Law focuses on representing victims and survivors of gun violence. At Everytown Law, I have briefed a variety of dispositive motions and appeals, including several related to the Protection of Lawful Commerce in Arms Act (PLCAA), in courts across the country.

5. In this case, I drafted substantial portions of: the Plaintiffs' opposition to the Tennessee Defendants' motion for a stay of proceedings in the Texas Supreme Court, the Plaintiffs' response to the Tennessee Defendants' mandamus petition in the Supreme Court, and the Plaintiffs' merits brief in opposition in the Supreme Court. I also performed legal research, read and revised portions of these briefs prepared by my colleagues Alla Lefkowitz, Molly Thomas-Jensen, and Krystan Hitchcock, and met with cocounsel to discuss appellate strategy.

6. My time spent in performing the above legal work was 79.47 hours. I kept contemporaneous records of my time working on opposing the mandamus petition. The entries for which we are seeking a court award are set forth below. These time records are maintained in chronological order, showing the date, task performed, and time expended for all work for each entry. I have not included the time I spent cite-checking briefs, attending internal meetings, or compiling this affidavit.

Effective Date	Hours	Description
6/01/2021	1.00	Meeting with M. Siegel, A. Lefkowitz, M. Thomas-Jensen, & K. Hitchcock re responding to anticipated mandamus petition
6/02/2021	2.60	Research deliberate ignorance law
6/03/2021	0.85	Read and analyze Tennessee Defendants' mandamus filing
6/04/2021	1.28	Research Texas Supreme Court mandamus procedure
6/07/2021	5.18	Outline opposition to stay motion
6/08/2021	6.88	Draft opposition to stay motion
6/09/2021	3.18	Draft opposition to stay motion
6/10/2021	4.02	Edit opposition to stay motion
6/11/2021	2.67	Edit opposition to stay motion
6/25/2021	0.90	Read and analyze <i>In re Academy Sports</i> decision
6/30/2021	1.42	Research Texas mandamus law
7/15/2021	0.60	Begin portions of response to mandamus petition
7/19/2021	3.35	Conduct research for and draft response to mandamus petition
7/20/2021	4.38	Conduct research for and draft response to mandamus petition
7/21/2021	1.32	Draft response to mandamus petition
7/22/2021	0.78	Draft response to mandamus petition
7/23/2021	0.50	Draft response to mandamus petition
7/28/2021	0.35	Research applicable legal standard

Effective Date	Hours	Description
7/29/2021	3.78	Conduct research for response to mandamus petition
7/29/2021	0.50	Meeting with M. Siegel, A. Lefkowitz, M. Thomas-Jensen, & K. Hitchcock re revisions to response to mandamus petition
7/30/2021	2.02	Conduct research for response to mandamus petition
8/2/2021	0.64	Conduct research for and edit response to mandamus petition
8/5/2021	0.45	Review edits to response to mandamus petition
8/6/2021	0.28	Review edits to response to mandamus petition
8/9/2021	2.73	Conduct research for and review edits to response to mandamus petition
9/28/2021	0.32	Research legal theories for mandamus merits briefing
11/15/2021	1.35	Conduct research for and outline portion of merits opposition brief
11/17/2021	3.58	Conduct research for, outline, and draft portion of merits opposition brief
11/18/2021	2.60	Draft portion of merits opposition brief
11/19/2021	0.77	Draft portion of merits opposition brief
11/22/2021	0.25	Draft portion of merits opposition brief
11/29/2021	1.30	Read and analyze Relators' merits brief
11/29/2021	1.65	Draft portion of merits opposition brief
12/3/2021	0.78	Conduct research for and draft portion of merits opposition brief
12/7/2021	0.73	Draft portion of merits opposition brief
12/8/2021	0.50	Draft portion of merits opposition brief

Effective Date	Hours	Description
12/14/2021	1.82	Review merits opposition brief
12/15/2021	2.85	Conduct research for and review merits opposition brief
12/16/2021	1.70	Conduct research for merits opposition brief
12/17/2021	0.58	Conduct research for merits opposition brief
12/19/2021	1.48	Edit merits opposition brief
12/20/2021	4.07	Edit, review, & finalize merits opposition brief
12/21/2021	1.48	Edit and prepare merits opposition brief for filing
Total:	79.47	

7. As the litigation arm of a 501(c)(3) non-profit, Everytown Law does not charge our clients attorney's fees. However, our clients in this case have authorized Everytown Law to seek and retain an award of attorney's fees and costs from the Court, to the extent such an award is authorized by law. The reasonable hourly rate for my time in this case is \$300/hour. This rate is based on a number of factors, including my experience and expertise, the novelty and complexity of the issues involved (particularly with respect to PLCAA), and the market rate for attorneys in the Houston area with similar skills, experience, and expertise. In compiling this affidavit, I reviewed application for attorney's fees submitted by attorneys litigating in Texas with similar levels of experience from specialized public-interest organizations. My hourly rate is in line with or lower than the rates that I reviewed in the aforementioned applications.

8. Thus, to date and excluding the time attending the motion hearing, I have performed work valued at \$23,841 in attorney's fees. I have arrived at this amount by multiplying the time

worked by my hourly rate. In my opinion, this expense is a reasonable and necessary amount of attorney's fees in order to defend against the Tennessee Defendants' mandamus petition in the Texas Supreme Court given the legal complexity of the issues involved and time spent.

9. Additionally, I paid \$255.88 on June 11, 2021, for *pro hac vice* admission to the Supreme Court of Texas.

10. I thus seek reimbursement for \$24,096.88 (attorney's fees and *pro hac vice* admission costs).

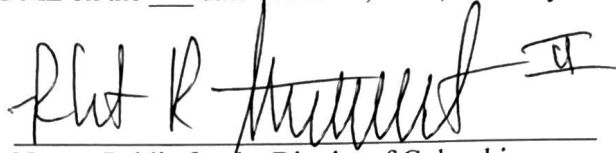
11. Further affiant sayeth not.

Signed this 25 date of March, 2022.



Andrew Nellis
Admission *Pro Hac Vice* Pending

SUBSCRIBED AND SWORN TO BEFORE ME on the 25 date of March, 2022, to certify which witness my hand and official seal.



Notary Public for the District of Columbia

Robert Kotchenreuther II
Notary Public, District of Columbia
My Commission Expires 12-14-2026



EXHIBIT L

ROSIE YANAS AND CHRISTOPHER STONE, individually and as next friends of CHRISTOPHER JAKE STONE, et al., vs. ANTONIOS PAGOURTZIS, et al., Defendant(s)	CAUSE NO.: CV-0081158 IN THE COUNTY COURT AT LAW NO. 3 GALVESTON COUNTY, TEXAS
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AFFIDAVIT OF LAWRENCE M. TYLKA

STATE OF TEXAS §
 COUNTY OF GALVESTON §

BEFORE ME, the undersigned Notary Public, on this day personally appeared LAWRENCE M. TYLKA, known to me to be the person whose name is subscribed below and to the foregoing document, and being first duly sworn, according to law, upon oath, declared and affirmed the following statements:

1. "My name is LAWRENCE M. TYLKA. I am over twenty-one (21) years of age. I am fully competent to make this affidavit.
2. I am the owner of Tylka Law Center, PC, and the lead attorney who represents the Plaintiff in the above captioned matter. My business address is 1104 E Main St., League City, Texas 77573.
3. I make this affidavit in support of attorneys' fees for legal representation provided to the Plaintiff in this matter.
4. I graduated on the Dean's List from St. Mary's University School of Law in December 1983. I have been licensed and have practiced in the State of Texas since 1984. In addition to practicing before the Courts of the State of Texas, I am also licensed and/or admitted to practice before the U.S. District Court for the Eastern and Southern Districts of Texas. I have also appeared and prosecuted cases before the Appellate Courts and Supreme Court of Texas. I am also able to practice before the United States District Court for the Southern District of Alabama, Mobile Division. I am also a member of the million dollar and multi-million dollar advocates forum and participate in many Local, State and National Bar Associations.
5. The reasonable and necessary attorney fees charged to represent Plaintiff The Estate Of Cynthia Tisdale, Deceased, By And Through Executrix Autumn Tisdale, And On

Behalf Of All Persons Entitled To Recover For Her Death Under The Texas Wrongful Death Act, The Estate Of William Regie Tisdale, Sr., By And Through William R. Tisdale, Jr., And William R. Tisdale, Jr., Individually And Autumn Tisdale, Individually And Autumn Tisdale (hereinafter referred to as "Tisdale Plaintiffs") in responding to the TRCP 91a Motion to Dismiss of the Defendant Tennessee is reflected below. My current hourly rate is \$425 per hour.

6. Tyler Tylka is an associate at Tylka Law Center, PC, and his hourly rates are \$275.00 an hour. Tyler Tylka graduated from Florida Coastal School of Law in 2013. Tyler Tylka has been licensed and has practiced in the State of Texas and the State of Florida since 2014. In addition to practicing before the Courts of the State of Texas, Tyler Tylka is also licensed and/or admitted to practice before the U.S. District Court for the Western District of Texas and the Southern and Northern Districts of Florida. Tyler Tylka's current hourly rate is \$275.00.
7. Such hourly rate(s) is well within the range of what others of similar experience, expertise, and skill charge in the Houston area, including Galveston County and are reasonable and customary. This rate is based on many factors including my experience, trial results, overhead, historical revenue and what others with similar skill, experience and expertise charge. Furthermore, the services provided were reasonable and necessary. Plaintiff's counsel, Lawrence M. Tylka and Tyler Tylka have been involved in this case in litigation since August 15, 2018.
8. The Tisdale Plaintiffs was originally filed and prosecuted before the Galveston County Probate Court. Defendants Initially filed their Motion to Dismiss 91 a in the Probate Court. Tisdale Plaintiffs responded to such Motion in the Probate Court. Subsequently this matter was consolidated with the other cases currently pending in County Court 3, Galveston County, Texas.
 - a. January 6, 2021, 2.5 hours reviewing and researching Defendants' Rule 91 a Motion;
 - b. January 8, 2021, 1.2 hours additional research was performed concerning the Defendant's 91 a Motion, burden of proof and other related issues;
 - c. February 5, 2021, my Associate and I spent 1.4 hours, researching, emailing and strategizing the Tisdale Plaintiffs' case with Counsel for other Plaintiffs;
 - d. February 9, 2021, my Associate and I spent 1.5 hours, researching, emailing and strategizing the Tisdale Plaintiffs' case with Counsel for other Plaintiffs;
 - e. February 10, 2021, my Associate and I spent a total 1.75 hours, researching, emailing and strategizing the Tisdale Plaintiffs' case with Counsel for other Plaintiffs;
 - f. February 11, 2021, my Associate and I spent a total 2 hours, researching, emailing and strategizing the Tisdale Plaintiffs' case with Associate and with Counsel for other Plaintiffs;
 - g. March 8, 2021, my Associate and I spent 1.75 hours reviewing and researching Defendants' Reply in Support of their Rule 91 a Motion to Dismiss;

- h. March 10, 2021, my Associate and I spent 1.75 preparing for hearing and attending hearing on Defendant's Rule 91 a Motion to Dismiss.
9. I have worked on this matter with my associate, Tyler J. Tylka. The time we have spent on this matter has been reasonable and the work was necessary in light of the unique legal issues requiring substantial research, hearing and response of Defendants' TRCP 91a. Although Plaintiff's counsel Lawrence M. Tylka and Tyler Tylka did not present the oral argument before the court on behalf of the Plaintiffs, a substantial amount of the work was done in research and preparation for the response that was done by attorney Alla Lefkowitz.
10. The total attorneys' fees is \$9,695.00 plus \$200.02 in expenses in this matter is a total attorneys' fees and expenses \$9,895.02.
11. When considering all of the factors set forth in *Arthur Anderson*, including the complexity of the legal issues involved, the fact that performing the above work precluded me and my associate from working on other matters, the fees customarily charged, and the amount at issue in this case, the time me and my Associate spent above was reasonable and necessary to respond to Defendants' Rule 91a Motion. I also incurred \$200.02 in expenses in responding to Defendants' Rule 91a Motion.
12. The attorney fees charged are reasonable and necessary and within the range of fees charged by attorneys practicing in this county."

Further Affiant Sayeth Not.


LAWRENCE M. TYLKA

SWORN TO AND SUBSCRIBED before me by the said LAWRENCE M. TYLKA, on the 16th day of April, 2021.





NOTARY PUBLIC,
STATE OF TEXAS

EXHIBIT M

CAUSE NO. CV-0081158

ROSIE YANAS and CHIRSTOPHER STONE
individually and as next friends of
CHRISTOPHER JAKE STONE, et al.,

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS, et al.,

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

AFFIDAVIT OF DARRELL A. APFFEL

STATE OF TEXAS §
COUNTY OF GALVESTON §

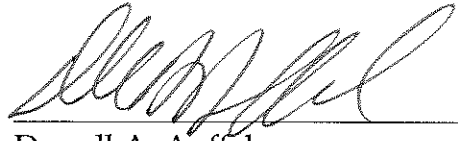
BEFORE ME, the undersigned Notary Public, on this day personally appeared DARRELL A. APFFEL, known to me to be the person whose name is subscribed below and to the foregoing document, and being first duly sworn according to law, upon oath, declared and affirmed the following statements:

1. My name is Darrell A. Apffel. I am over twenty-one (21) years of age. I am fully competent to make this affidavit.
2. I am a principal of the law firm APFFEL LEGAL, PLLC, and an attorney of record for the Plaintiffs William "Billy" Beazley and Shirley Beazley, individually and as next friends of T.B., a minor, in the above referenced case. My business address is 104 Moody Ave., Suite 101, Galveston, Texas 77550.
3. I make this affidavit in support of attorney's fees for legal representation provided to the Plaintiff in this matter. The statements in this affidavit are true and correct and are based on my personal knowledge.
4. I graduated from South Texas College of Law in 1988. I received my license to practice law from the State of Texas in 1989. I am admitted to practice in the State of Texas and United States District Courts for the Southern, Eastern, and Western Districts of Texas.
5. The reasonable and necessary attorney fees charged to represent Plaintiffs William "Billy" Beazley and Shirley Beazley, individually and as next friends of T.B., a minor, in responding to the TRCP 91a Motion to Dismiss of the Defendant Tennessee is reflected below. My current hourly rate is \$700 per hour. This rate is

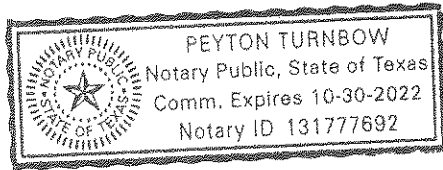
based on many factors including my experience, trial results, overhead, historical revenue, and what others with similar skill, experience and expertise charge.

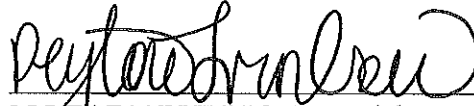
- a. January 27, 2021 2.0 hours spent reviewing Defendants' Rule 91a Motion, emailed defense counsel concerning the hearing on their Motion;
 - b. January 29, 2021 2.5 hours spent researching parameters of Rule 91a Motions;
 - c. February 8, 2021 1.5 hours spent reading Plaintiffs' Draft Response to Defendants' Rule 91a Motion and reviewing cited caselaw;
 - d. February 10, 2021 1.0 hours spent communicating with Plaintiffs' counsel concerning the contents of the Response; reviewing final draft of Response before filing;
 - e. February 11, 2021 .5 hours spent on a telephone call with Plaintiffs' counsel concerning strategy for the upcoming hearing;
 - f. February 15, 2021 .5 hours spent on telephone calls and email exchanges with both Plaintiffs' and Defendants' counsel on the upcoming hearing;
 - g. February 25, 2021 .25 hours spent reviewing emails; resetting the hearing on Defendants' Rule 91a Motion;
 - h. March 9, 2021 2.0 hours spent reading and reviewing Defendants' Reply and cited cases; preparing for upcoming hearing on Defendants' Motion;
 - i. March 10, 2021 1.25 hours spent attending hearing on Defendants' Motion;
6. I have worked on this matter with Blake Apffel and Jessica Clark, the other attorneys in my law firm. They have spent a total of 6 hours of legal work on this case, and bill at a rate of \$350 per hour. Their time on this matter is as follows:
- a. January 28, 2021 2.0 hours spent reviewing Defendants' Motion;
 - b. February 10, 2021 2.0 hours spent drafting language to add to Plaintiffs' Response to Defendants' Rule 91a Motion to Dismiss
 - c. February 11, 2021 .5 hours spent discussing strategy for the hearing with Plaintiffs' counsel;
 - d. March 8, 2021 1.5 hours spent reviewing Defendants' Reply and cited cases
7. The time we have spent on this matter has been reasonable and the work was necessary in light of the unique legal issues requiring substantial research, hearing, and response of Defendants' TRCP 91a.
8. The total for attorney's fees is \$10,150.00.
9. The attorney fees charged are reasonable and necessary and within the range of fees charged by attorneys practicing in this county."

Further affiant sayeth not.


Darrell A. Apffel

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on
this 15th day of April, 2021.




NOTARY PUBLIC, in and for
The State of Texas

My Commission Expires: 10/30/2022

EXHIBIT N

CAUSE NO. CV-0081158

ROSIE YANAS and CHRISTOPHER STONE,
individually and as next friends of
CHRISTOPHER JAKE STONE, et al.,

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS, et al.,

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

AFFIDAVIT OF SHERRY SCOTT CHANDLER

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

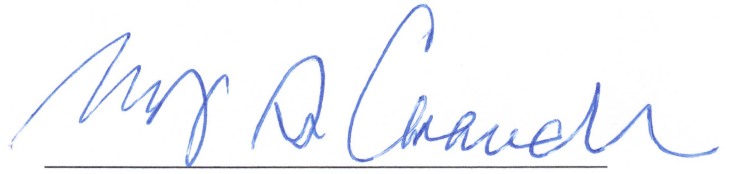
BEFORE ME, the undersigned Notary Public, on this day personally appeared Sherry Scott Chandler, who is personally known to me to be the person whose name is subscribed below and to the foregoing document, and being duly sworn, according to law, upon oath, declared and affirmed the following:

1. My name is Sherry Scott Chandler. I am over twenty-one (21) years of age. I am fully competent to make this affidavit. The statements in this affidavit are true and correct and are based on my personal knowledge.
2. I am a partner of The Chandler Law Firm, LLP and the lead attorney who represents Chase Yarbrough, Donna Yarbrough, and Troy Yarbrough in the above-entitled matter. I make this Affidavit in support of attorney's fees for legal representation provided to the Yarbrough Plaintiffs in this matter.
3. I graduated from South Texas College of Law in 1991. During the time as a student at South Texas College of Law, I worked full time as a litigation paralegal for Andrews & Kurth in the litigation section. I received my license to practice law from the State of Texas in 1991. I am admitted to practice in the State of Texas, United States Supreme Court, and United States District Court for the Southern District of Texas.
4. I have practiced personal injury law for the majority of my career. I am a member of the Houston Trial Lawyers Association. I am a member of the Academy of Truck Accidents Attorneys. I have prepared and submitted briefs to the Houston First and Fourteenth Court

of Appeals, the Fifth Circuit, and the United States Supreme Court. I have participated in over twenty trials relating to both personal injury and commercial litigation. I was appointed by the 56th Judicial District Court of Galveston County as one of five attorneys to serve on the Plaintiff's Steering Committee in In Re: MDL Litigation Regarding Texas City Refinery Ultracracker Emission Event Litigation; 10-UC-0001; In the 56th District Court of Galveston County, Texas.

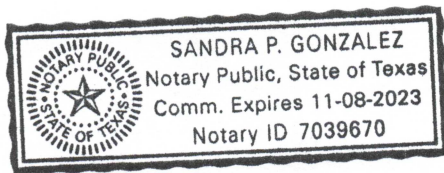
5. The reasonable and necessary attorney fees to represent the Yarbrough Plaintiffs in responding to the Rule 91a Motion to Dismiss filed by the Tennessee Defendants is reflected below. My current hourly rate is \$500.00 per hour. This rate is based on many factors including my experience, trial results, overhead, historical revenue, and what others with similar skill, experience, and expertise charge. Plaintiffs' Counsel Sherry Scott Chandler has been involved in this case since May 6, 2020.
6. I spent over 20 hours responding to Defendants' Rule 91a Motion to Dismiss. The time spent was from receipt of Defendants' motion on January 6, 2021, until I received the Court's Order on March 24, 2021. My time responding to Defendants' Rule 91a Motion to Dismiss was recorded at or near the time that it was expended. I am seeking recovery for 17.50 hours of my time at \$500.00/hour responding to Defendants' Rule 91a Motion to Dismiss. Those hours include the following:
 - a. January 7, 2021: 1.00 hours. Receipt and review of the Tennessee Defendants' Rule 91a Motion filed January 6, 2021;
 - b. January 18, 2021: 2.5 hours. Commenced legal research regarding bystander issues addressed in Defendants' Rule 91a Motion;
 - c. January 19, 2021: 1.5 hours. Continued legal research regarding bystander issues;
 - d. January 26, 2021: 1.0 hours. Continued legal research regarding bystander issues and commenced drafting bystander argument in response;
 - e. February 8, 2021: 2.5 hours. Receipt and review of draft of Response to Rule 91a Motion to Dismiss, continued legal research regarding bystander issues, and continued drafting bystander argument of Rule 91a response;
 - f. February 9, 2021: 2.0 hours. Continued legal research and drafting of bystander argument in Rule 91a response;
 - g. February 10, 2021: 2.5 hours. Correspondence with co-counsel concerning responses; reviewed and edited final draft of Response; e-filed Yarbrough Plaintiffs' Opposition to the Tennessee Defendants' Rule 91a Motion;
 - h. February 12, 2021: .5 hours. Telephone conference with co-counsel concerning strategy for hearing;
 - i. February 25, 2021: .25 hours. Corresponding with counsel for all plaintiffs/intervenors on availability for Rule 91a motion;
 - j. March 8, 2021: .75 hours. Review Defendants' reply and authorities;
 - k. March 9, 2021: 1.0 hours. Review and prepare for argument regarding bystander issues;
 - l. March 10, 2021: .75 hours. Review and prepare for argument regarding bystander issues;
 - m. March 10, 2021 1.25 hours attended hearing on Defendants' Rule 91a Motion to Dismiss;

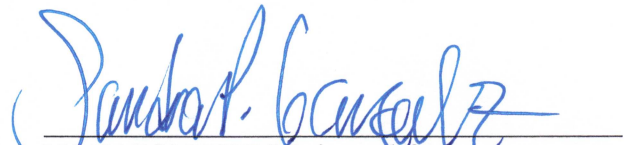
7. I have worked on this matter with Lewis Chandler, Alf Southerland, and paralegal Christy Dorman. The time we spent on this matter was reasonable and the work necessary in light of the unique and complicated legal issues which required substantial research, response, and hearing on Defendants' Rule 91a motion.
8. The total attorney's representing the Yarbrough Plaintiffs in responding to Defendants' Rule 91a Motion are \$8,750.00.
9. The attorney fees charged are reasonable and necessary and within the range of fees charged by attorneys practicing in Galveston County and Harris County.
10. Further affiant sayeth not.



Sherry Scott Chandler

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this 15 day of April, 2021.




NOTARY PUBLIC, in and for
The State of Texas

My Commission Expires: 11-08-2023

EXHIBIT O

ROSIE YANAS and CHRISTOPHER
STONE, individually and as next friends
of CHRISTOPHER JAKE STONE

Plaintiffs,

VS.

ANTONIOS PAGOURTZIS and ROSE
MARIE KOSMETATOS

Defendants.

COUNTY COURT AT LAW
GALVESTON COUNTY, TEXAS

COURT NO. 3

**AFFIDAVIT OF MARTIN J. SIEGEL IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

BEFORE ME, the undersigned authority, personally appeared Martin J. Siegel, who being duly sworn, stated as follows:

1. My name is Martin J. Siegel. I have been licensed to practice law in Texas since 1991, Texas Bar Number 18342125. I am also licensed in the District of Columbia.
2. I graduated Harvard Law School in 1991; served as law clerk to Irving R. Kaufman, U.S. Court of Appeals for the Second Circuit (1991-92); was an associate at Jenner and Block in Washington, D.C. (1992-94); served as Assistant U.S. Attorney, Southern District of New York (1995-2000); served as special counsel to the staff of the U.S. Senate Judiciary Committee (2000-01); and was a partner at Watts Law Firm in Houston (2001-07). In 2007, I opened Law Offices of Martin J. Siegel P.C. and have since practiced there as an appellate specialist. Over that time, I have handled cases in the U.S. Supreme Court, federal appellate courts in several circuits, and all levels of Texas state courts.
3. For many years I have published law review articles, articles in legal newspapers, and Op-Ed pieces on legal issues. My biography of Judge Irving R. Kaufman will appear in

2023 (Cornell University Press). I also direct the Appellate Civil Rights Clinic at the University of Houston Law Center and will teach American Legal History there in Fall 2022.

4. I was retained to serve as co-counsel in the above-captioned case once it reached the Texas Supreme Court following Defendants' petition for mandamus captioned *In re: LuckyGunner, LLC, Red Stag Fulfillment, LLC, Mollenhour Gross, LLC, Jordan Mollenhour, and Dustin Gross* (Supreme Court Case Number 21-0463).
5. From May 2021 to January 2022 I billed 21 hours working on the mandamus to perform the following work:
 - a. Consulting on appellate strategy with co-counsel at Everytown Law;
 - b. Reviewing existing, lower court pleadings;
 - c. Reviewing and researching applicable law;
 - d. Editing drafts of the opposition to mandamus in the Texas Supreme Court;
 - e. Re-drafting limited portions of the opposition to mandamus in the Texas Supreme Court for possible inclusion; and
 - f. Emailing co-counsel at length to help finalize Plaintiffs' opposition to Defendants' mandamus petition.
6. I also worked an additional 10.5 hours coordinating, discussing, and reading briefs proposed and filed by amici, though Plaintiffs are not seeking recovery for fees paid in compensation for this work.
7. I kept contemporaneous records of my time working on this matter. The entries for which we are seeking a court award are set forth below. These time records are maintained in

chronological order, showing the date, task performed, and time expended for all work for each entry.

Date	Hours	Description
5/28/2021	1.25	Read Rule 91a motion papers; drafted notes for 06/01 conversation.
06/01/2021	1.5	Reviewed materials for conference call re upcoming LG filings and overall strategy, participated in conference call
06/04/2021	0.5	Skimmed LG's motion to stay, reviewed Tex. R. App. P. re motions and mandamus, called Texas Supreme Court to inquire about deadlines, responded to Nellis email re deadlines
06/21/2021	0.5	Reviewed Hitchcock email and request re jurisdictional section of response; reviewed LG petition; drafted email to Hitchcock et al.
07/29/2021	5.0	Read LG petition, read our initial draft response, conference call with Lefkowitz et al., researched and emailed team re statutory construction
08/04/2021	1.5	Read and edited revised draft mandamus opposition
08/05/2021	2.5	Input edits to revised draft mandamus opposition, made further edits, and emailed edited opposition to Lefkowitz et al.
08/09/2021	1	Edited latest draft mandamus opposition; emailed revisions
12/15/2021	2.0	Read Relators' Brief on the Merits
12/16/2021	4.0	Read Plaintiffs' draft response; emailed team with comments
12/17/2021	0.25	Phone call with Lefkowitz re: brief
12/20/2021	1.0	Reviewed revised brief; emailed suggestions
Total	21	

8. My general billing rate is \$450/hour. In this case, I charged a discounted rate of \$200/hour. In all, I was paid \$4,200 for my work on the mandamus petition, excluding payment for work performed related to amici's briefs.

9. Further affiant sayeth not.

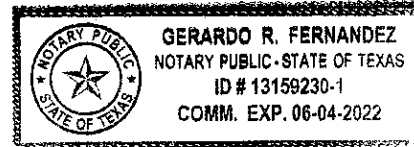
Signed this 31st day of March 2022.



Martin J. Siegel

SUBSCRIBED AND SWORN TO BEFORE ME on the 31st day of March 2022, to certify which witness my hand and official seal.


Notary Public for the State of Texas



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Ybarra on behalf of Clint McGuire
Bar No. 24013139
heather@mmtriallawyers.com
Envelope ID: 63203194
Status as of 4/4/2022 8:34 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Alton Todd		alton@actlaw.com	4/1/2022 5:04:11 PM	SENT
Heather Ybarra		heather@mmtriallawyers.com	4/1/2022 5:04:11 PM	SENT
Clint McGuire		clint@mmtriallawyers.com	4/1/2022 5:04:11 PM	SENT
Alla Lefkowitz		alefkowitz@everytown.org	4/1/2022 5:04:11 PM	SENT
Molly Thomas-Jensen		mthomasjensen@everytown.org	4/1/2022 5:04:11 PM	SENT
Krista Wilson		krista@actlaw.com	4/1/2022 5:04:11 PM	SENT
Seth Park		seth@actlaw.com	4/1/2022 5:04:11 PM	SENT
Christy Dorman		christy@chandlerlawllp.com	4/1/2022 5:04:11 PM	SENT
Andrew Lothson		alothson@smbtrials.com	4/1/2022 5:04:11 PM	SENT
Kristie WidnerTobin		Kristie.Tobin@hfw.com	4/1/2022 5:04:11 PM	SENT
Brian Vogts		jvogts@smbtrials.com	4/1/2022 5:04:11 PM	SENT
Douglas ToddGosda		dgosda@mga-law.com	4/1/2022 5:04:11 PM	SENT
Krystan Hitchcock		khitchcock@everytown.org	4/1/2022 5:04:11 PM	SENT
Sherry Chandler		sherry@chandlerlawllp.com	4/1/2022 5:04:11 PM	SENT
Lewis Chandler		lewis@chandlerlawllp.com	4/1/2022 5:04:11 PM	SENT
J. Alfred Southerland		alf@southerlandlawfirm.com	4/1/2022 5:04:11 PM	SENT
Lawrence Tylka		legal@tylkalawcenter.com	4/1/2022 5:04:11 PM	SENT

Associated Case Party: Antonios Pagourtzis

Name	BarNumber	Email	TimestampSubmitted	Status
Ron Rodgers		ron@rodgerslawgroup.com	4/1/2022 5:04:11 PM	SENT

Associated Case Party: LuckyGunner, LLC

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Heather Ybarra on behalf of Clint McGuire
Bar No. 24013139
heather@mmtriallawyers.com
Envelope ID: 63203194
Status as of 4/4/2022 8:34 AM CST

Associated Case Party: LuckyGunner, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Andre M.Landry		alandry@grayreed.com	4/1/2022 5:04:11 PM	SENT
Kelly Leonard		kleonard@grayreed.com	4/1/2022 5:04:11 PM	SENT
Nadine Nunnery		nnunnery@grayreed.com	4/1/2022 5:04:11 PM	SENT
Tyler J.McGuire		tmcguire@grayreed.com	4/1/2022 5:04:11 PM	SENT

Associated Case Party: Rosie Yanas

Name	BarNumber	Email	TimestampSubmitted	Status
Ron Rodgers		ron@rodgerslawgroup.com	4/1/2022 5:04:11 PM	SENT

Associated Case Party: William"Billy"Beazley

Name	BarNumber	Email	TimestampSubmitted	Status
Jessica Clark		jessica@apffellegal.com	4/1/2022 5:04:11 PM	SENT
Darrell A.Apffel		darrell@apffellegal.com	4/1/2022 5:04:11 PM	SENT
Terri French		terri@apffellegal.com	4/1/2022 5:04:11 PM	SENT
D. Blake Apffel		blake@apffellegal.com	4/1/2022 5:04:11 PM	SENT