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Attorneys for Donald N. Daien

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

DONALD N. DAIEN,)
)
 Plaintiff,)
)
 vs.)
)
 BEN YSURSA, in his)
 Official capacity as Secretary)
 of State of the State of Idaho,)
)
 Defendant.)
 _____)

Case No. 1:09-CV-00022-REB
AFFIDAVIT OF ALLEN B. ELLIS, ESQ.
IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY FEE AWARD

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Allen B. Ellis, Esq., being first duly sworn upon oath, deposes and states:

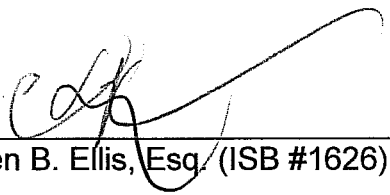
1. I am an attorney duly licensed to practice law in the State of Idaho, the U.S.

District Court of Idaho, and the 9th Circuit Court of Appeals. I am a principal of the firm of Ellis, Brown & Shiels, Chtd. and a certified litigation specialist. I make this

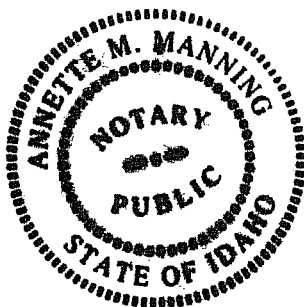
affidavit upon my personal knowledge and am competent to testify to the matters contained herein.

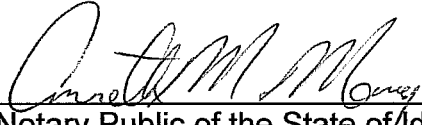
2. For many years I have practiced law in the federal and state courts in the State of Idaho and have my principal office in Boise, Idaho. I am familiar with the usual and customary rates charged by law firms in the Boise, Idaho area for representation in litigated matters in civil federal court cases. Those rates range from \$200/hour to \$250/hour. Depending upon the experience of the trial counsel and the complexity of the case, an hourly rate of \$250/hour would be reasonable in the Boise area for representation in a federal civil lawsuit.
3. I am also aware of higher hourly rates charged by some of the larger firms in Boise for complex litigation work. However, I have not seen a fee affidavit submitted by any of those firms in cases in which I have appeared, and therefore cannot testify to the specific rates that may have been charged or approved by the Court.

Dated: June 15, 2010.


Allen B. Ellis, Esq. (ISB #1626)

SUBSCRIBED AND SWORN TO in the State of Idaho before me this 15th day of June, 2010.




Notary Public of the State of Idaho
Residing at: Boise
Commission expires: 1/5/12