

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TEXAS DEMOCRATIC PARTY; §
BOYD L. RICHIE, in his capacity as §
Chairman of the Texas Democratic §
Party; FRANK JOSEPH; and BRETT §
ROSENTHAL §

Plaintiffs,

vs.

Cause No. 08-CV-02117-P

DALLAS COUNTY, TEXAS; and §
BRUCE SHERBET, in his capacity as §
Election Administrator for Dallas §
County, Texas, §

Defendants.

**PLAINTIFFS’ MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM DEFENDANTS**

TO THE HONORABLE JUDGES OF SAID COURT:

COME NOW, Plaintiffs, TEXAS DEMOCRATIC PARTY and BOYD L. RICHIE, in his capacity as Chairman of the Texas Democratic Party (hereinafter referred to as “Plaintiffs”) and file this their Motion to Compel Production of Documents from Defendants’ DALLAS COUNTY, TEXAS and BRUCE SHERBET, in his capacity as Election Administrator for Dallas County, Texas (hereinafter referred to as “Defendants”), and would respectfully show the Court as follows:

I.

Plaintiffs requested by written correspondence dated January 25, 2010 and February 3, 2010 a copy of invoices for attorneys' fees submitted to Dallas County in the above-referenced case. To date, Defendants have refused to produce itemized accounting records reflecting the amount of attorneys' fees charged to Dallas County for representation in the above-referenced matter. Any objection that Dallas County may have has been waived.

II.

Defendants have challenged and objected to the attorneys' fees and invoices submitted by Plaintiffs. The attorneys' fees submitted by Dallas County are germane and relevant to this proceeding because it will be directly related to the time spent and costs incurred by the Plaintiffs in pursuing this claim. Under the Lodestar method outlined in *Pennsylvania v. Delaware Valley Citizens Council for Clean Air*, 478 U.S. 546 (1986), time records are one way of determining a reasonable fee, the reasonable hourly rate is the prevailing rate in the community for similar work, the time and labor required, as well as other matters. Attorneys' fees charged by counsel for Defendant Dallas County will be both relevant and material to the course of determination as to the amount and time expended by Plaintiffs' counsel.

The courts have routinely found production of the opposing party's fee records is required in order to determine an objection to a fee request. *See, e.g., In re Fine Paper*

Antitrust Litigation, 751 F.2d 562, 586 (3rd Cir. 1984) and *Craik v. Minnesota State Univ. Bd.*, 738 F.2d 348, 249 (8th Cir. 1984).

For these reasons, Plaintiffs seek production of all time records and invoices submitted by counsel for Defendant Dallas County.

III.

CONCLUSION

For the foregoing reasons, Plaintiffs pray the Court grant their motion to compel.

Dated this 18th day of November, 2010.

Respectfully submitted,

TEXAS DEMOCRATIC PARTY and
BOYD L. RICHIE, in his capacity as
Chairman of the Texas Democratic Party

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CERTIFICATE OF CONFERENCE

The undersigned has exchanged e-mails and letters with opposing counsel concerning this issue and this motion. An agreement could not be reached.

/s/ Chad W. Dunn

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the United States District Court, Northern District of Texas, Dallas Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to all counsel of record via the Court's ECF Noticing System on the 18th day of November, 2010.

/s/ Chad W. Dunn
Chad W. Dunn