

William A. Rossbach
ROSSBACH LAW, P.C.
401 North Washington St.
Missoula, MT 59807
Phone: (406) 543-5156
bill@rossbachlaw.com

David S. Muraskin
PUBLIC JUSTICE, P.C.
1620 L St. NW, Suite 630
Washington, DC 20036
Phone: (202) 861-5245
dmuraskin@publicjustice.net

J. Dudley Butler
BUTLER FARM & RANCH LAW
GROUP, PLLC
499-A Breakwater Dr.
Benton, MS 39039
Phone: (662) 673-0091
jdb@farmandranchlaw.com

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

<p>RANCHERS-CATTELMEN ACTION LEGAL FUND, UNITED STOCKGROWERS OF AMERICA, <i>Plaintiff,</i></p> <p>v.</p> <p>SONNY PERDUE, IN HIS OFFICIAL CAPACITY AS SECRETARY OF AGRICULTURE, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, <i>Defendants,</i></p> <p>MONTANA BEEF COUNCIL et al. <i>Intervenors.</i></p>	<p>Case No. CV-16-41-GF-BMM-JTJ</p> <p>PLAINTIFF'S MOTION FOR ATTORNEY'S FEES & COSTS</p>
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Plaintiff Ranchers-Cattlemen Action Legal Fund, United Stockgrowers of America (“R-CALF”) moves for its reasonable attorney’s fees and litigation costs under the Equal Access to Justice Act (“EAJA”). 28 U.S.C. §§ 2412(a)(1), (d)(1)(A). In this litigation, R-CALF altered the operation of private state beef councils, who use producers’ assessments obtained through the Beef Checkoff program to fund speech, to bring them into compliance with the First Amendment. As discussed in the accompanying Brief, this qualifies R-CALF as a prevailing party entitled to its reasonable attorney’s fees and litigation costs under EAJA. R-CALF respectfully requests a court order awarding them \$145,428.08 in attorney’s fees and \$5,344.17 in out-of-pocket expenses. R-CALF will supplement this amount to include additional time spent briefing this Motion upon filing its reply brief.

This Motion is based on this Motion, the accompanying Brief (including the declarations and exhibit attached thereto), the entire file in this matter, and the arguments of counsel. Pursuant to Local Rule 7.1(c)(1), R-CALF’s counsel conferred with counsel for Government-Defendants regarding this motion and they indicated they oppose this motion.

RESPECTFULLY SUBMITTED this 10th day of September, 2020.

PUBLIC JUSTICE, P.C.

By: /s/ David S. Muraskin
David S. Muraskin

David S. Muraskin
PUBLIC JUSTICE, P.C.
1620 L St. NW, Suite 630
Washington, DC 20036

William A. Rossbach
ROSSBACH LAW, P.C.
401 North Washington St.
Missoula, MT 59807-8988

J. Dudley Butler
BUTLER FARM & RANCH LAW
GROUP, PLLC
499-A Breakwater Dr.
Benton, MS 39039

Attorneys for Plaintiff