

Exhibit A

Ryan R. Shaffer
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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

TRACY CAEKAERT, and CAMILLIA)
MAPLEY,)

Plaintiffs,)

vs.)

WATCHTOWER BIBLE AND TRACT)
SOCIETY OF NEW YORK, INC.,)
WATCH TOWER BIBLE AND TRACT)
SOCIETY OF PENNSYLVANIA, and)
BRUCE MAPLEY SR.,)

Defendants,)

WATCHTOWER BIBLE AND TRACT)
SOCIETY OF NEW YORK, INC.,)
Cross Claimant,)

BRUCE MAPLEY, SR.,)
Cross Defendant.)

Case No. CV-20-52-BLG-SPW

**AFFIDAVIT OF RYAN R.
SHAFFER**

_____)

I, Ryan R. Shaffer, an attorney duly admitted to practice law in this Court, declares that the foregoing is true and correct:

1. I submit this Affidavit in support of Plaintiffs' Statement of Attorneys' Fees and Costs re: Motion to Compel pursuant to the Court's August 24, 2021 Order (Doc. 85) ("August 24, 2021 Order"), which granted, in full, Plaintiffs' Motion to Compel Jurisdictional Discovery Responses and For Costs and Fees (Doc. 56) ("Motion to Compel").

2. I am a Partner in the law firm of Meyer, Shaffer & Stepan and represent Plaintiffs in this matter.

3. I am admitted to practice law in the state and Federal courts of Montana, Wyoming, and North Dakota and have been practicing law since 2006.

4. My firm represents victims of sexual abuse and harassment on a contingency fee basis.

5. In some circumstances, my firm represents clients on an hourly fee basis where my ordinary and customary rate is \$300/hour.

6. I personally prepared the itemization of my time spent bringing the Motion to Compel, which is attached as **Exhibit 1**.

7. Prior to the Court's August 24, 2021, Order, I did not contemporaneously keep a record of time expended pursuing Plaintiffs' Motion to Compel.

8. However, I was able to reasonably identify the time I spent by reviewing my calendar, the discovery requests served and answered, the record of correspondence between counsel during our conferral efforts, and the pleadings filed with the Court pertaining to the Motion to Compel.

9. I then used the following process to create conservative billing entries for my time as follows:

- a. I first identified each discovery request and issue (e.g. Defendants' time-period objection) raised in our Motion to Compel ("MtC Issues").
- b. Based on my calendar, the record of correspondence between counsel, and documents filed with the Court, I was able to identify the work I completed related to the Motion to Compel.
- c. Because the billing entries before August 24, 2021, were not created contemporaneously, my goal was to error on the side of caution and make sure that each entry reflected less time than the associated task actually required.
- d. For example, I know that one page of well-researched and well-edited briefing typically requires one hour of work and therefore a 20-page brief would typically require twenty (20) hours of work.

- e. Here, in an abundance of caution, and to ensure that we are not seeking and obtaining recovery of expenses not actually incurred in bringing Plaintiffs' Motion to Compel, I ensured that my billing entries reflected far less time than I actually expended on each of the tasks performed in furtherance of the Motion to Compel.
- f. Therefore, my billing entries are a conservative estimate of the time actually expended on the tasks completed.
- g. For tasks where I expended time on discovery issues that were not raised in Plaintiffs' Motion to Compel, I reduced the total task time based on the percentage of the task that could be attributed to issues Plaintiffs prevailed on. For instance, on January 18, 2021, I drafted a letter to defense counsel regarding twenty (20) separate discovery issues. **Ex. 1.** Because Plaintiffs only raised and prevailed on one of those issues in their Motion to Compel, I have only sought an award for 1/20 of my time spent drafting said letter.
- h. Finally, I applied the time attributable to the issues Plaintiffs' prevailed on to my customary rate of \$300/hour to determine the total fee for each step in bringing Plaintiffs' Motion to Compel.

10. All entries of time from August 24, 2021, onward were recorded contemporaneously.

11. I specifically excluded from **Exhibit 1** many meetings, phone calls, and discussions with my co-counsel related to MtC Issues that occurred prior to August 24, 2021.

12. I was able to review the Zoom conference records of a mock oral argument Plaintiffs' counsel held on June 17, 2021, to determine the exact amount of time that event required. This is reflected in my billing record. **Ex. 1.**

13. My partner, Robert Stepan, who is also counsel of record for Plaintiffs, expended substantial time discussing and assisting with Plaintiffs' review and assessment of Defendants' discovery conduct. However, Plaintiffs are not seeking compensation for any of this time and are only seeking compensation for the time Mr. Stepan spent on attending the Court's June 23, 2021, hearing, including preparation and drive time. Billing entries for Robert Stepan are attached as **Exhibit 2.**

14. My firm has also consulted with contract attorney Matthew Merrill regarding all aspects of this litigation. Mr. Merrill spent approximately 6.6 hours editing and reviewing briefs submitted in support of Plaintiffs' Motion to Compel and Plaintiffs are not seeking any compensation for Mr. Merrill's time.

15. Defendants requested a hearing on Plaintiffs' Motion to Compel which required counsel and a legal assistant to travel to Billings, MT. Plaintiffs'

out-of-pocket costs included mileage and accommodations for attorneys Ryan Shaffer and Robert Stepans, and legal assistant Katy Gannon. **Exhibit 3.**

16. For the foregoing reasons, I affirm and certify that the expenses set forth in Plaintiffs' Statement of Fees and Costs is a very conservative reflection of the actual time and effort expended in bringing Plaintiffs' Motion to Compel.

DATED this 9th day of September, 2021.

By: /s/ Ryan Shaffer

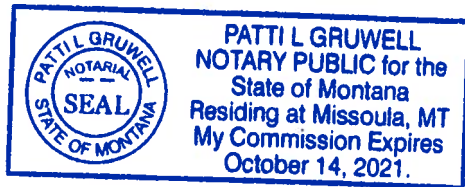
Ryan R. Shaffer
MEYER, SHAFFER & STEPANS PLLP
Attorneys for Plaintiffs

State of Montana

County of Missoula

This instrument was signed and sworn to before me on September 9, 2021 by Ryan R. Shaffer.

Patti L. Gruwell
(Notary Signature)



Patti L. Gruwell
Print Name of Notary Public
Notary Public for the State of MT
Residing at: Missoula, MT
My Commission Expires: 10/14/21

Exhibit 1

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
11/20/2020	Ryan S.	Rev. and Scrutinize WTPA Resp to 1st Disc.	0.5	3.61%	0.02	\$300	\$5.42
12/30/2020	Ryan S.	Rev. and Scrutinize WTPA Resp to 2nd Disc.	0.5	6.67%	0.03	\$300	\$10.00
12/30/2020	Ryan S.	Rev. and Scrutinize WTNY Resp to 1st Disc.	0.5	12.50%	0.06	\$300	\$18.75
1/5/2021	Ryan S.	Scrutinizing WTPA and WTNY Objections and determining which we want to challenge	1	100.00%	1.00	\$300	\$300.00
1/18/2021	Ryan S.	Reviewing and editing James' Draft Letter to Defense Counsel	1	5.00%	0.05	\$300	\$15.00
1/19/2021	Ryan S.	Final review and editing of letter to Defense counsel	0.5	5.00%	0.03	\$300	\$7.50
1/22/2021	Ryan S.	Reviewing letter from defense regarding issues we raised	0.5	9.09%	0.05	\$300	\$13.64
1/26/2021	Ryan S.	Final review and editing of letters to Defense counsel	0.5	50.00%	0.25	\$300	\$75.00
2/12/2021	Ryan S.	Review letter from Defense counsel re issues we raised in prior letters	0.5	50.00%	0.25	\$300	\$75.00
3/8/2021	Ryan S.	Rev and scrutinize WTNY and WTPA discovery resps	1	12.50%	0.13	\$300	\$37.50
3/8/2021	Ryan S.	Email to Aaron Dunn re Int. No. 6	0.2	100.00%	0.20	\$300	\$60.00
3/9/2021	Ryan S.	Review Dunn email and discuss with James	0.1	100.00%	0.10	\$300	\$30.00
3/10/2021	Ryan S.	Review and edit James' draft letter to the defense	0.6	40.00%	0.24	\$300	\$72.00

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
3/22/2021	Ryan S.	Reviewing Correspondence from Defense counsel re our discovery concerns	0.7	20.00%	0.14	\$300	\$42.00
3/25/2021	Ryan S.	Review and edit of letter to Defense Counsel re ongoing discovery concerns	1	100.00%	1.00	\$300	\$300.00
3/29/2021	Ryan S.	Telephone conference with defense counsel re ongoing discovery concerns (including prep time)	1	100.00%	1.00	\$300	\$300.00
4/9/2021	Ryan S.	Review letter from Defense re ongoing discovery concerns	1	75.00%	0.75	\$300	\$225.00
4/9/2021	Ryan S.	Draft and file Notice of Written Discovery and conferral efforts	0.7	100.00%	0.70	\$300	\$210.00
4/12/2021 - 4/20/2021	Ryan S.	Drafting and Editing MTC and Briefs in Support of MTC (24 page brief)	7	100.00%	7.00	\$300	\$2,100.00
5/12/2021	Ryan S.	Review Defense Response Briefing (36 pages) and make notes of issues to address in Reply	0.7	100.00%	0.70	\$300	\$210.00
5/13/2021 - 5/25/2021	Ryan S.	Drafting and Editing Reply Brief (16 page brief)	3	100.00%	3.00	\$300	\$900.00
6/17/2021	Ryan S.	Mock Hearing	1.7	100.00%	1.70	\$300	\$510.00
6/22/2021	Ryan S.	Drive to Billings	5	100.00%	5.00	\$300	\$1,500.00
6/23/2021	Ryan S.	Attend Hearing	1.2	100.00%	1.20	\$300	\$360.00
6/23/2021	Ryan S.	Drive to Missoula	5	100.00%	5.00	\$300	\$1,500.00
8/24/2021	Ryan S.	Review Court's Order	0.3	100.00%	0.30	\$300	\$90.00
8/31/2021	Ryan S.	Review Rule 37 and my time pursuing MTC	1	100.00%	1.00	\$300	\$300.00

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
9/1/2021	Ryan S.	Evaluating how much of my time on each step of obtaining compliance with the rules of discovery should be attributable to or recoverable against defendants in this case	0.5	100.00%	0.50	\$300	\$150.00
9/1/2021	Ryan S.	Discussion with James about the best method to parse out the time we spent on issues raised during meet and conferral effort that we ultimately prevailed on without seeking recovery for time on issues raised which we did not ultimately pursue with the Court	0.6	100.00%	0.60	\$300	\$180.00
9/2/2021	Ryan S.	Compiling my time on each step of the process of getting defendants to comply with the rules of discovery	0.6	100.00%	0.60	\$300	\$180.00
9/7/2021	Ryan S.	Drafting Affidavit and itemization of my time and entering into spreadsheet	1.5	100.00%	1.50	\$300	\$450.00
9/8/2021	Ryan S.	Editing Statement of Fees and Costs	3	100.00%	3.00	\$300	\$900.00
Total			42.9		37.09		\$ 11,126.81

Exhibit 2

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
6/17/2021	Robert S.	Mock Hearing	1.7	100.00%	1.70	\$300	\$510.00
6/22/2021	Robert S.	Drive to Billings	5.5	100.00%	5.50	\$300	\$1,650.00
6/22/2021	Robert S.	Preparation for Hearing	1	100.00%	1.00	\$300	\$300.00
6/23/2021	Robert S.	Preparation for Hearing	1	100.00%	1.00	\$300	\$300.00
6/23/2021	Robert S.	Attend Hearing	1.2	100.00%	1.20	\$300	\$360.00
6/23/2021	Robert S.	Drive to Jackson, WY	5.5	100.00%	5.50	\$300	\$1,650.00
Total			15.9		15.90		\$4,770.00

Exhibit 3

Case Costs for 6/22 Hearing**Rob Stepan**

Northern Hotel	\$	227.72
Mileage Round Trip Jackson/Billings (590 miles x \$.56)	\$	330.40

Ryan Shaffer

Northern Hotel	\$	227.72
Mileage Round Trip Missoula/Billings (685 miles x \$.56)	\$	384.00
Parking	\$	10.00
Subtotal:	\$	1,179.84

Katy Gannon

Northern Hotel	\$	232.72
TOTAL:	\$	1,412.56

Caekaert Case/Rowland Case 1/2 Split: \$ 706.28

Caekaert

1 of 1
June 28, 2021

N O R T H E R N
HOTEL

Reservation Number 276529

Send to Mr. Robert Stepan
430 Ryman Street
JACKSON, WY 83001

Phone 406-543-6929

Guest Name Mr. Robert Stepan

Arrival Date
6/22/21

Departure Date
6/23/21

Room Information 1002 - Classic King Room

Bill To

Phone

Folio Number 290852

Trans Date	Description	Voucher	Amount
Charges			
6/22/21	Best Available Rate	nh -1002	209.00
6/22/21	Guest Room Tax	nh -1002	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -1002	2.00
Total Charges			227.72
Payments			
6/23/21	American Express	#####1005 581122002 0000224094	-227.72
Total Payments			-227.72
Balance Due:			0.00

1/2 - \$113.⁸⁶

Northern Hotel
19 North Broadway | Billings, MT 59101
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com



Caekaert

1 of 1
June 28, 2021

N O R T H E R N
HOTEL

Reservation Number 276527

Send to Mr. Ryan Shaffer
430 Ryman Street
Missoula, MT 59802

Phone 406-543-6929

Guest Name Mr. Ryan Shaffer

Arrival Date
6/22/21

Departure Date
6/23/21

Room Information 1007 - Classic King Room

Bill To

Phone

Folio Number 290850

Trans Date	Description	Voucher	Amount
Charges			
6/22/21	Best Available Rate	nh -1007	209.00
6/22/21	Guest Room Tax	nh -1007	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -1007	2.00
Total Charges			227.72
Payments			
6/23/21	Visa	#####3717 640398007 0000224109	-227.72
Total Payments			-227.72
Balance Due:			0.00

1/2 - \$113.⁸⁶

Northern Hotel
19 North Broadway | Billings, MT 59101
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com

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Caekaert

1 of 1
June 28, 2021

N O R T H E R N
H O T E L

Reservation Number 276528

Send to Ms. Katy Gannon
430 Ryman Street
Missoula, MT 59802

Phone 406-543-6929

Guest Name Ms. Katy Gannon

Arrival Date
6/22/21

Departure Date
6/23/21

Room Information 0417 - Classic King Room

Bill To

Phone

Folio Number 290851

Trans Date	Description	Voucher	Amount
Charges			
6/22/21	Best Available Rate	nh -0417	209.00
6/22/21	Guest Room Tax	nh -0417	16.72
6/22/21	Billings \$2.00 Tourism Fee	nh -0417	2.00
6/23/21	Life Water	0417 lifeawater	5.00
Total Charges			232.72
Payments			
6/23/21	Visa	#####3717 938260417 0000224185	-5.00
6/23/21	Visa	#####3717 640520417 0000224110	-227.72
Total Payments			-232.72
Balance Due:			0.00

1/2 - \$116.36

Northern Hotel
19 North Broadway | Billings, MT 59101
P: 406-867-6767 | F: 406-867-6776 | info@northernhotel.com

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