

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

NATHANIEL BORRELL DYER,

Plaintiff,

v.

Civil Action No. 1:18-CV-03284-TCB

ATLANTA INDEPENDENT SCHOOL
SYSTEM,

Defendant.

DECLARATION OF BRANDON O. MOULARD

This Declaration is given by Brandon O. Moulard, who, under penalty of perjury, states the following is true and correct:

1.

My name is Brandon O. Moulard. I am over twenty-one (21) years of age, legally competent to make this affidavit, and have personal knowledge of the statements made herein. I make this affidavit on my personal knowledge for use in support of Defendant's Motion for Attorney's Costs and Fees, pursuant to Rule 54(d)(2) of the Federal Rules of Civil Procedure, Local Rule 54.2, 42 U.S.C. § 1988(b), and for all other purposes permitted by law.

2.

I am an attorney licensed to practice law in the State of Georgia and have been since 2009. I am admitted to practice in all state courts in Georgia and in the United

States District Court for the Northern District of Georgia.

3.

I am a partner in the law firm of Nelson Mullins Riley & Scarborough LLP (“Nelson Mullins” or “the Firm”).

4.

I have been with Nelson Mullins since February 2013, practicing primarily in the areas of general education law, special education law, civil rights litigation, and employment litigation. In my practice, I have handled numerous cases involving claims for First Amendment violations, denial of procedural due process, and other torts under state law.

5.

I have served as lead counsel for Defendant Atlanta Independent School System (hereinafter “AISS”) in its defense of this case. I have supervised and been involved in the work Nelson Mullins has performed in this case. My hourly rate reflects a government discount of my standard preferred rate, and all other timekeepers who worked on this case billed their time at a discounted rate for Defendant.

6.

In representing Defendant in this matter during the one year and six months since Plaintiff filed a Complaint in the Superior Court of Fulton County on June 7,

2018, Defendant's attorneys have taken the following actions:

- A. Preparing various notices, motions, and briefs, including, but not limited to the following: (1) Notice of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division; (2) Pre-Answer Motion to Dismiss and Brief in Support; (3) Reply in Support of Pre-Answer Motion to Dismiss; (4) Motion to Disregard Plaintiff's Surreply Response; (5) Response to Motion for Leave to File Surreply; (6) Joint Preliminary Report and Discovery Plan; (7) Motion for Summary Judgment and Brief in Support; (8) Reply in Support of Motion for Summary Judgment; (9) Response to Plaintiff's Statement of Material Facts; and (10) Motion for Attorney's Costs and Fees.
- B. Conducting extensive research regarding potential defenses and pertinent legal issues, particularly related to Defendant's Pre-Answer Motion to Dismiss and Motion for Summary Judgment;
- C. Engaging in extensive discussions with our clients regarding this matter;
- D. Engaging in necessary internal communications to formulate and discuss strategy for this matter; and
- E. Engaging in multiple communications with Plaintiff regarding this matter.

8.

I worked on this matter at an hourly rate of \$275.00. Neeru Gupta, a partner at Nelson Mullins, worked on this matter at an hourly rate of \$300.00. Ms. Gupta has eighteen years of experience practicing law. Laurance J. Warco, an of counsel attorney at Nelson Mullins, worked on this matter at an hourly rate of \$275.00. Mr. Warco has twenty-two years of experience practicing law. MaryGrace K. Bell, an associate attorney at Nelson Mullins, worked on this matter at a rate of \$250.00. Ms. Bell has five and one-half (5 ½) years of experience practicing law.

9.

The legal fees charged the Defendant during this matter from June 7, 2018, through December 19, 2019, were \$73,977.50, which includes 277.30 hours of work. True and correct copies of billing invoices that reflect these amounts are attached as Exhibit A. Privileged attorney-client communications and internal communications between attorneys have been redacted from these invoices.

10.

Based on my ten years of experience practicing law in Atlanta and my knowledge of the work that needed to be performed to defend this matter properly, the hours spent and attendant attorneys' fees and expenses are reasonable. The work undertaken to defend the interests of Defendant in this matter was reasonable, necessary, and proper. Based on my experience practicing law in Georgia and my

knowledge of prevailing rates, the rates charged to Defendant for the work performed were extremely reasonable.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Brandon O. Moulard, Esq.