

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

|   |   |                              |
|---|---|------------------------------|
| JOHN W. JACKSON and SECOND                | ) |                              |
| AMENDMENT FOUNDATION, INC.,               | ) |                              |
|   | ) |                              |
| Plaintiffs,                               | ) |                              |
|   | ) |                              |
| -against-                                 | ) |                              |
|   | ) |                              |
| GORDON E. EDEN, in his Official Capacity  | ) | Case No. 1:12-CV-421-MCA-RHS |
| as Director of the Special Investigations | ) |                              |
| Division of the New Mexico Department of  | ) |                              |
| Public Safety,                            | ) |                              |
|   | ) |                              |
| Defendant.                                | ) |                              |

**SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF PLAINTIFFS’ UNOPPOSED MOTION FOR FEES AND COSTS**

1. On March 31, 2014, the Court entered a permanent injunction and a final judgment in Plaintiffs’ favor and against the Defendants.
  
2. Since that date, the parties have been conferring regarding the issue of Plaintiffs’ 42 U.S.C. § 1988 fees and costs, and have reached an agreement, as detailed in the attached Stipulation and Proposed Order.
  
3. Federal courts employ the “lodestar” method for determining an attorney fee recovery under Section 1988. The “lodestar” is calculated by multiplying the reasonable amount of hours worked by a reasonable hourly fee, with some adjustments not here at issue in appropriate cases. *Perdue v. Kenny A.*, 130 S. Ct. 1662 (2010); *Hensley v. Eckerhart*, 461 U. S. 424 (1983).
  
4. As Plaintiffs are entitled to their fees and costs, this unopposed motion should be granted, and Plaintiffs should be awarded their fees and costs as set forth in the attached Stipulation and Proposed Order.

Dated: May 19, 2014

Respectfully submitted,

David G. Sigale, Esq. (#6238103 (IL))  
LAW FIRM OF DAVID G. SIGALE, P.C.  
739 Roosevelt Road, Suite 304  
Glen Ellyn, IL 60137  
630.452.4547  
dsigale@sigalelaw.com  
Admitted *pro hac vice*

Paul M. Kienzle, III., Esq. (#7592 (NM))  
SCOTT & KIENZLE, P.A.  
P.O. Box 587  
Albuquerque, NM 87103  
(505) 246-8600  
paul@kienzlelaw.com

By:                   /s/ David G. Sigale                    
                                  David G. Sigale

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

The undersigned, attorney of record for the plaintiffs, hereby certifies that on May 19, 2014, he served a copy of the foregoing, and this certificate of service, on all Counsel of Record by electronic means pursuant to Electronic Case Filing (ECF).

Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief there are no non- CM/ECF participants in this matter.

/s/David G. Sigale

David G. Sigale