

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE OF TEXAS et al.,

Plaintiffs,

v.

RISING EAGLE CAPITAL GROUP LLC et al.,

Defendants.

CASE NO. 4:20-cv-02021

**PLAINTIFF STATES' CALCULATIONS OF ATTORNEY FEES AS ORDERED
BY THE COURT AND REQUEST FOR CLARIFICATION OF ORDER ENTRY**

Plaintiff States of Arkansas, Indiana, Michigan, Missouri, North Carolina, North Dakota, Ohio, and Texas (collectively “Plaintiffs” or “Plaintiff States”) and Defendant attended a show cause hearing on January 10, 2025. (ECF No. 287). At that hearing, the Court imposed a monetary fine on Defendant John Spiller, II based on his violations of the Stipulated Order for Permanent Injunction and Monetary Judgment against him. [Dkt. 220; Dkt. 258; Dkt. 271]. Pursuant to the Court’s ruling, Plaintiffs provide the following calculations for their attorney’s fees as they relate to Plaintiffs’ expenses incurred while pursuing Plaintiffs’ Motion to Show Cause Why Defendant John C. Spiller, II Should Not Be Held In Civil Contempt For Violating The Stipulated Order. (Dkt. 265; Dkt. 271).

I. CALCULATIONS

The State's calculations are as follows:

Arkansas:

123.5 hours	\$380/hour (4–5 years)	\$46,930.00
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Indiana:

170.7 hours	\$532/hour (11-15 years)	\$90,812.40
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Michigan:

110.5 hours	\$532/hour (11-15 years)	\$58,786.00
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Missouri:

109.5 hours	\$532/hour (11–15 years)	\$58,254.00
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North Carolina:

122.6 hours	\$591/hour (16–20 years)	\$72,456.60
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North Dakota:

230.4 hours	\$452 (8-10 years)	\$104,140.80
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Ohio:

180.5 hours	\$591/hour (16-20 years)	\$106,675.50
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Texas:

137	\$369 (2-3 years)	\$50,553.00
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Above represents a fair estimation of Plaintiff States' attorney's fees as ordered by the Court, which totals \$588,608.30 in attorney's fees for all Plaintiff States. Hourly rates are based on the United States Attorney's Office ("USAO") Attorney's Fees Matrix for 2020-21.¹ **Exhibit 1.**

During the contempt phase of this litigation, the Plaintiff States also incurred costs related to depositions taken in this matter, which included a deposition taken of Defendant Spiller on January 24, 2024, totaling \$5,180.00, and a deposition taken of Defendant Spiller's stepfather Harold Speight on January 31, 2024, totaling \$5,748.67. The Plaintiff States also incurred travel associated costs related to the depositions in the amount of \$1,545.03. Invoices and receipts to support these expenses can be made available to the Court upon request. Additionally, costs related to four subpoenas for the depositions and hearings equaled \$681.00. Overall, these additional costs totaled \$13,154.70.

In total, Plaintiff States incurred \$601,763.00 in fees and costs during the pendency of the contempt phase of this litigation.

¹ The hourly rates in the USAO Matrix are lower than those contained in the "Fitzpatrick Matrix," which was developed in 2021.

II. REQUEST FOR CLARIFICATION OF ORDER ENTRY

Additionally, following the January 10, 2025 hearing, the Plaintiff States seek clarification as to whether the Court will, pursuant to its October 29, 2024, Order, located at docket entry 271, enter the [Proposed] Order Granting Plaintiffs' Motion to Modify the Stipulated Order for Permanent Injunction and Monetary Judgment Against John C. Spiller that is located at docket entry 258-1 or a modified version of that proposed order consistent with the Court's rulings from the hearing.²

III. CONCLUSION

In total, Plaintiff States incurred \$601,763.00 in fees and costs during the pendency of the contempt phase of this litigation.

Respectfully submitted this 17th day of January, 2025.

² The Plaintiffs proposed five modifications to the Stipulated Order including (1) a permanent ban on the provision of any and all telephony services; (2) a permanent ban on certain business relationships; (3) a permanent ban on deceptive representations using aliases in customer engagement and in government business filings; (4) dissolution of certain business entities operated in whole or part by Spiller using aliases and false information in government filings and that facilitated illegal robocalls; and (5) an order requiring payment of the full monetary judgment amount owed to Plaintiffs due to nonpayment of the conditional payment option. ECF No. 258 at 4. Plaintiffs acknowledge the Court's ruling from the January 10 hearing imposing a monetary fine will address the fifth proposed modification. Plaintiffs seek clarification as to whether the four remaining proposed modifications to the injunctive terms will be entered. Plaintiffs can submit a revised proposed order removing the fifth modification at the Court's request.

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(a), I hereby certify that a true and correct copy of the above and foregoing document has been served using the CM/ECF system to all counsel and parties of record.

/s/ David Shatto
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