

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Irene Silva

NO. D-1-GN-18-001835

NEIL HESLIN,	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
ALEX E. JONES, INFOWARS, LLC,	§	
FREE SPEECH SYSTEMS, LLC, and	§	
OWEN SHROYER,	§	
<i>Defendants</i>	§	261 st JUDICIAL DISTRICT

SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF DEFENDANTS’ MOTION TO DISMISS UNDER THE TEXAS CITIZENS PARTICIPATION ACT

COME NOW, Defendants Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively, the “Defendants”), and hereby file this supplemental affidavit in support of their Motion to Dismiss Under the Texas Citizens’ Participation Act.

Defendants’ hereby file the Affidavit of Mark C. Enoch attached hereto.”

RESPECTFULLY SUBMITTED,
GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch
 Mark C. Enoch
 State Bar No. 06630360
 14801 Quorum Drive, Suite 500
 Dallas, Texas 75254-1449
 Telephone: 972-419-8366
 Facsimile: 972-419-8329
fly63rc@verizon.net

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2018, the foregoing was sent via efilexcourts.gov's e-service system to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch

Mark C. Enoch

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,

Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

AFFIDAVIT OF MARK C. ENOCH

STATE OF TEXAS §

§

COUNTY OF DALLAS §

I, Mark C. Enoch, do hereby declare under penalty of perjury that the following is true and correct.

1. My name is Mark C. Enoch. I am fully competent and capable in all respects to make this Affidavit. As lead counsel in this case, I have become familiar with the facts by reviewing documents and speaking with witnesses, I have read the pleadings and discovered and reviewed evidence and have studied the statutory and common law relating to the causes of action alleged by Plaintiff, the law relating to the defenses and the law relating to application of the Texas Citizens Participation Act. Based upon my role as lead counsel in this case and the work that I have done, I have personal knowledge of all of the facts stated in this Affidavit, and they are true and correct. This Affidavit is submitted in connection with Defendants' Motion to Dismiss filed in the above-styled litigation.

2. I am an attorney duly licensed to practice law in the State of Texas and have been continuously licensed and have practiced civil trial and appellate law since 1979. I am with the law firm of Glast, Phillips & Murray, P.C. which represents the Defendants in the above-styled litigation. My practice has been devoted to civil litigation such as this in state and federal court. I have been continuously certified in civil trial law by the Texas Board of Legal Specialization since 1988. I have also been involved in civil appeals and have prepared appellate briefs and arguments.

3. My standard hourly billing rate and my hourly billing rate for this matter is \$535. The other senior-level attorneys, associate attorneys and paralegal who have worked on this matter also have billed at the firm's standard hourly billing rates for each such senior-level attorney, associate attorneys and paralegal. The hourly billing rates for the two other senior-level attorneys is \$390 and \$400 respectively. The hourly billing rates for the two associates are \$290 and \$300 respectively. The firm's standard hourly billing rate for the paralegal who has worked on this matter is \$110.

4. I am familiar with rates charged by attorneys and paralegals in Dallas and surrounding counties as well as rates charged by attorneys and paralegals in Travis and surrounding counties for civil litigation matters and these hourly rates are reasonable when compared to customary and typical hourly rates charged in those areas of Texas for attorneys with similar education, experience, training and abilities.

5. The total of fees billed by Glast, Phillips & Murray and incurred by Defendants through August 26, 2018 in connection with this matter is \$130,478.90. Based on my education, experience and training, it is my opinion that a.) the law firm's

hourly rates are reasonable and typical and customary for similar legal services in Travis and Dallas Counties and b.) that the total fees billed as of that date were and are both reasonable and necessary to properly defend Plaintiff's claims. It is my further opinion based upon my education, training and experience that the time expended on each individual task completed by Glast, Phillips & Murray in this matter was appropriate, reasonable and necessary and that the lawyer and/or paralegal was appropriately assigned to each task. The total amount incurred by Defendants includes fees associated with, among other things, reviewing the lawsuit pleadings, reviewing broadcasts and videos relevant to Plaintiff's claims and the defenses, investigating the allegations, interviewing witnesses, drafting a response to the lawsuit, researching the Motion to Dismiss, drafting, editing and revising the Motion to Dismiss, determining what evidence is appropriate, researching Plaintiff and his public activities, editing and revising affidavits for evidence, researching appropriate defenses, drafting the First Amended Answer, reviewing Plaintiff's Motion for Sanctions and Plaintiff's Motion for Expedited Discovery, researching, drafting and filing a response to same, and reviewing and responding to communications with counsel and others.

6. Furthermore, I estimate that further legal work will be reasonable and necessary to supplement the Motion to Dismiss and affidavits, receive, review and respond to additional filings by Plaintiff, prepare for the hearing on the Motion to Dismiss, travel to Travis County for the hearing and argue the motion and prepare correspondence and draft orders regarding the hearing and the Court's rulings. For this anticipated legal work, I estimate, and my opinion is, based on my education, experience

and training, that Defendants will incur additional reasonable and necessary attorney fees in an amount of approximately \$43,725.00. I estimate that Defendants will incur additional expenses related to the hearing in an amount of approximately \$300.00. I estimate that reasonable and necessary travel expenses for two lawyers will be approximately \$1,100.00.

7. Additionally, I estimate, and my opinion is, that in the event of an appeal by either Plaintiff or Defendants from a decision of this Honorable Court to the Court of Appeals, Defendants will incur an additional amount of at least \$32,000.00 in reasonable and necessary attorney fees. If Defendants appeal to the Court of Appeals, I estimate \$30,000.00 in reasonable and necessary attorney fees. If Plaintiff appeals to the Supreme Court of Texas and briefing is not requested, I estimate, and my opinion is, that Defendants will incur additional reasonable and necessary attorney fees in the amount of \$5,000.00. If the Texas Supreme Court requests briefing, I estimate, and my opinion is, that Defendants will incur additional reasonable and necessary attorney fees in an amount of at least \$28,000.00. Finally if Defendants appeal to the Supreme Court of Texas, I estimate, and my opinion is, that Defendants will incur additional reasonable and necessary attorney's fees in an amount of at least \$30,000.00.

8. Based upon my education, experience and training, it is my opinion that the above rates and amounts are reasonable and necessary for the services rendered and to be rendered considering, among other things, the novelty and difficulty of the issues involved, the skill and training of the lawyers involved and the skill required to provide the legal services properly, the time and labor involved to perform the legal services

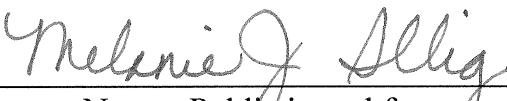
properly, the fee customarily charged in the community for similar services, time constraints placed on the lawyers by the clients and circumstances of the case and the issues and amounts involved and the results obtained.

Executed in Dallas County, State of Texas.



Mark C. Enoch

SWORN TO and SUBSCRIBED before me by Mark C. Enoch on August 27, 2018.



Notary Public in and for
the State of Texas

My Commission Expires:

7/3/21

