

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

True the Vote, Inc.;

Plaintiff,

v.

Internal Revenue Service, et al.;

Defendants,

and

THE BOPP LAW FIRM, PC

Non-Party Petitioner,

and **Public Interest Legal Foundation, Inc.**

Non-Party Petitioner.

Civil Case No. 1:13-cv-000734-RBW

Notice of Attorney's Charging Lien

Motion for Enforcement of Attorney's Charging Lien

Non-Party Petitioner THE BOPP LAW FIRM, PC., (“**BLF**”) respectfully moves this Court for an order enforcing BLF’s attorney’s charging lien, and awarding \$505,003.38 to BLF. Further, in accordance with this Motion, BLF moves this Court to order the IRS pay \$505,003.38 to BLF from any award of attorneys’ fees granted in this matter. In support of this Motion for Enforcement, BLF asserts the following:

1. On February 22, 2017, BLF entered into a representation agreement with the plaintiff, under

which BLF agreed to provide legal services to the plaintiff in connection with this litigation. (“**BLF Agreement**”).

2. The BLF Agreement has previously been filed under seal, with the Court’s approval (Oct. 23, 2020) as ECF No. 189-7.
3. Attorneys from BLF acted as counsel of record for TTV in this litigation from February 22, 2017 through March 22, 2023, when BLF Attorneys withdrew from representing TTV in this matter, with TTV’s consent. ECF Nos. 218, 219, 220.
4. In this action, TTV asserted that the Internal Revenue Service unlawfully discriminated against it in the processing of TTV’s application for tax-exempt status, in violation of its constitutional rights.
5. TTV agreed it would pay BLF’s hourly rates and would reimburse BLF for reasonable costs and expenses incurred in connection with BLF’s representation of TTV. BLF Agreement at 1.
6. After prevailing on appeal to the United States Court of Appeals for the District of Columbia, TTV and the IRS entered into a consent order. ECF No. 150.
7. Following the entry of the consent order, TTV filed an application and motion for attorneys’ fees, costs, and expenses under the Equal Access to Justice Act. ECF No. 151.
8. This Court found that TTV was entitled to a award of attorneys’ fees and costs under the

EAJA. Mem. Op. on Attn’y Fees, ECF No. 162 at 25. Further, this court found that TTV was entitled to an award of attorneys’ fees calculated at prevailing market rates pursuant to the bad faith enhancement to the EAJA, for fees incurred prior to September 20, 2013. Order on Fees, ECF No. 184 at 11.

9. The parties have agreed that \$788,539.30 is the appropriate attorneys’ fee award. Order on Fees, ECF No. 227, n. 4.

10. In the course of the representation, BLF has incurred fees, costs, and expenses for its representation of TTV. TTV has paid \$77,613.75 to BLF for these fees, costs, and expenses to date but still has an *unpaid* balance due to BLF in the amount of \$505,003.38. BLF Notice of Charging Lien, ECF No. 216, ¶ 12.

11. Pursuant to the BLF Agreement, BLF maintains a substantial interest in any recovery that might ultimately be obtained by TTV.

12. In the District of Columbia, “compensation paid to attorneys for legal services is largely a question of fundamental fairness.” *Connelly v. Swick & Shapiro, P.C.*, 749 A.2d 1264, 1267 (D.C. 2000).

13. Since BLF relied on the BLF Agreement, attorneys from BLF have invested significant time and resources into pursuing plaintiff’s claims in this litigation. Therefore, it is fundamentally fair that BLF receive compensation for its investment of time and resources.

14. TTV received proper notice of BLF's attorney's charging lien when BLF filed its Notice of Charging Lien. ECF No. 216.

WHEREFORE, BLF moves this Court for an order enforcing BLF's attorney's charging lien, and awarding \$505,003.38 to BLF. Further, in accordance with this Motion, BLF moves this Court to order the IRS pay \$505,003.38 to BLF from any award of attorneys' fees granted in this matter.

June 16, 2023

Respectfully submitted,

/s/ James Bopp, Jr.

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