UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LASHAWN A., by her next friend Evelyn Moore, et al.,	)	
Plaintiffs,	)	
v.	)	**Civ. No. 89-1754 (TFH)**
ANTHONY WILLIAMS, as Mayor of the District of Columbia, et al.,	)	
Defendants.	)	

MEMORANDUM OPINION

Pending before the Court is plaintiffs' second motion for interim attorney's fees and expenses. Plaintiffs have requested that the Court award them $2,052,976.23 in fees and costs for work performed from August 28, 1991 through March 2, 2000. Defendants assert that plaintiffs are not entitled to fees, and that their request is unreasonable. Based upon this Court's review of the pleadings and the supporting documentation, the Court will grant plaintiffs' motion and award them fees and expenses in the amount requested.

I. DISCUSSION[1]

Defendants object to plaintiffs' second request for fees and expenses on three specific grounds. First, defendants argue that plaintiffs are not entitled to an award of fees based on the holdings of Suter v. Artist M., 503 U.S. 347 (1992) and Smith v. Robinson, 468 U.S. 992 (1984). Second, defendants argue that plaintiffs are not entitled to prevailing rates in the New York City

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[1] The procedural history of this case is recounted in this Court's Memorandum Opinion addressing plaintiffs' first motion for interim attorney's fees and expenses, and will not be repeated here. See LaShawn A. v. Barry, Slip. Op., February 18, 1998, at 1-4.

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767

legal market or for travel time between New York and Washington, D.C. Finally, defendants contend that plaintiffs' hours should be reduced because of redundancy, overstaffing and failure to keep adequate time records. These objections are addressed in turn.

In respect to the Suter and Robinson cases, the Court has already ruled that those decisions do not affect plaintiffs' entitlement to fees and expenses in this case. See LaShawn A. v. Barry, Slip. Op., February 18, 1998, at 4-8. That ruling is law of the case and will not be disturbed. See LaShawn A. v. Barry, 87 F.3d 1389, 1393 (D.C. Cir. 1996)(en banc), cert. denied, 117 S. Ct. 2431 (under "the law of the case doctrine[,] the same issue presented in the same case in the same court should lead to the same result."). The only new wrinkle in defendants' argument is based on the D.C. Circuit's subsequent opinion in LaShawn A. v. Barry, 144 F.3d 847 (D.C. Cir. 1998), which was handed down one month after this Court's first Memorandum Opinion on fees. That opinion questioned this Court's authority to empower the Receiver to disregard District of Columbia law. Id. at 853. Contrary to defendants' argument, nothing in that opinion suggested that plaintiffs were without substantial unresolved federal claims that would justify the awarding of fees under 42 U.S.C. § 1988. Cf. Maher v. Grange, 448 U.S. 122, 132 n.15 (1980) ("Congress intended fees to be awarded where a pendant constitutional claim is involved, even if the statutory claim on which the plaintiff prevailed is one for which fees cannot be awarded under [§ 1988]"). Defendants' reliance on that decision is therefore misplaced.

Defendants' second argument is that plaintiffs are not entitled to New York rates or compensation for their travel time between New York City and Washington, D.C. This Court's Memorandum Opinion on fees explicitly found that "plaintiffs properly selected the Children's Rights Project [now Children Rights, Inc.], and that counsel should be paid New York rates." LaShawn A., Slip Op. at 14. The Court "reduce[d] the recovery for travel time by 25%, to

compensate for the loss of productivity involved in frequent travel between New York and Washington, D.C.," but awarded complete reimbursement for related expenses such as taxi and air transportation. Id. at 11, 18-19. Plaintiffs' current fee and expense request is consistent with these holdings, which are also law of the case.

Finally, defendants argue that plaintiffs' billable hours should be reduced because of redundancy, overstaffing and failure to keep adequate time records. In its prior Opinion, the Court set forth a number of billing parameters drawn from both United States Supreme Court and District of Columbia Circuit caselaw. See LaShawn A., Slip Op. at 10-11 (plaintiffs may recover for 75% of travel time), 17-18 (plaintiffs may not recover for time spent by "paralegal case readers"). Plaintiffs' current request is consistent with those parameters. In addition, plaintiffs have documented their request with declarations and detailed time record summaries based on "contemporaneous, complete, and standardized time records which accurately reflect the work done by each attorney." National Association of Concerned Veterans v. Secretary of Defense, 675 F.2d 1319, 1327 (D.C. Cir. 1982). Those records detail the work performed to the minute and are accompanied by explanatory summaries. Plaintiffs' claimed expenses are likewise detailed individually. The Court has carefully reviewed these voluminous billing records, and finds that the amounts claimed are reasonable and consistent with sound billing judgment.

II. CONCLUSION

For the above-stated reasons, the Court will grant plaintiffs' second motion for fees and expenses, and award plaintiffs attorney's fees and expenses in the amount of $2,052,976.23. An appropriate Order accompanies this Memorandum Opinion.

April 5th, 2000

Thomas F. Hogan
United States District Judge