

1989 WL 38951

Only the Westlaw citation is currently available.  
United States District Court, District of Columbia.

AYUDA, INC., The Ethiopian Community Center,  
Inc., Latin American Youth Center, Mexican  
American Legal Defense and Educational Fund,  
NK DOE, JH DOE, TB DOE, KAA DOE, JNU DOE  
individually and on behalf of all others similarly  
situated, Plaintiffs,

v.

Dick THORNBURGH, Attorney General of the  
United States, Alan C. Nelson, Commissioner of  
the Immigration and Naturalization Service, and  
INS, Defendants.

CIV. A. No. 88-0625 SS. | April 4, 1989.

#### Attorneys and Law Firms

Donald Keener, Charles Pazar, Office of Immigration  
Litigation, Civil Division, U.S. Department of Justice,  
Washington, D.C., for defendants.

Wayne H. Matelski, Eva M. Plaza, Eleanor Pelta, Carl  
Valenstein, David Aronofsky, Lynda S. Zengerle, Arent,  
Fox, Kintner, Plotkin & Kahn, Washington, D.C., Gilbert  
P. Carrasco Hispanic National Bar Ass'n, Newark, N.Y.,  
Lucas Guttentag, American Civil Liberties Union,  
Immigration Task Force, New York City, Deborah  
Sanders, Carolyn Waller, Washington Lawyers'  
Committee for Civil Rights Under Law, Washington D.C.,  
Ira J. Kurzban, Kurzban, Kurzban, Weinger & Holtsberg,  
Miami, Fla., Robert Plotkin, Sandra Wilkinson, Laxalt,  
Washington, Perito and Dubuc, Washington, D.C., for  
plaintiffs.

#### Opinion

#### **ORDER OF INTERIM ATTORNEYS' FEES AND COSTS**

SPORKIN, District Judge.

\*1 Pending before this Court is Plaintiffs' Motion for  
Interim Award of Costs and Fees filed June 16, 1988.  
Counsel for the parties have fully briefed the issues  
involved, and the Court has had the benefit of oral  
argument at hearings held on March 13, 1989 and March  
29, 1989.

Accordingly, it is this 4 day of April, 1989, ORDERED:

1. The Government's position in the underlying litigation was not "substantially justified" as that term is used in the Equal Access to Justice Act, 28 U.S.C. § 2412 and no special circumstances exist making an award of fees unjust. Therefore, the plaintiffs, as the prevailing party in the action, are entitled to recover their fees and expenses;
  2. The Government has not objected to the request for costs and, accordingly, costs are granted in the amount of \$1,154.90;
  3. For purposes of this Order only, plaintiffs are entitled to payment at the statutory rate of \$75 per hour, adjusted by a cost of living increase, to \$97.50 per hour,
  4. For purposes of this Order only, fees shall be awarded to plaintiffs for attorney time,
    - (a) expended by the law firm of Arent, Fox, Kinter, Plotkin & Kahn for a total of 836.30 hours of their attorney time,
    - (b) expended by the attorneys at the Washington Lawyers' Committee for Civil Rights Under Law for a total of 59.30 hours of their attorney time,
    - (c) expended by Ira Kurzban, Esquire for a total of .2 hours of his attorney time,
    - (d) expended by Lucas Guttentag, Esquire, for a total of 21.55 hours of his attorney time.
    - (e) expended by Gil Carrasco, Esquire, for a total of 14.50 hours of his attorney time.
  5. For purposes of this Order only, fees shall be awarded to plaintiffs for 272 hours of paralegal time at the rate of \$24.33 per hour.
  6. The foregoing fees and costs are set forth in Chart A attached to this Order.
  7. Payment of the amounts ordered herein shall be made within 30 days of this Order.
  8. This Order is without prejudice to any party's rights to claim or dispute hourly rates or costs at a later time.
- IT IS FURTHER ORDERED:
9. That the Defendants shall brief their specific objections to all contested hours within 14 days of the date of this Order,
  10. That the Plaintiffs shall file a reply to Defendants' objections within 7 days from receiving Defendants'

objections.

**ATTORNEY'S FEES AND COSTS**

**CHART A**

<b>Counsel</b>	<b>Hours</b>	<b>Hours</b>	<b>Statutory</b>
	<b>Requested</b>	<b>Challenged</b>	
		<b>By Gov't</b>	<b>Rate</b>
ARENT, FOX			
Wayne H. Matelski		138.3	17.0
Lynda S. Zengerle		69.4	19.8
David Aronofsky		56.0	18.0
Carl A. Valenstein		187.0	25.9
Eva M. Plaza		408.7	92.2
Eleanor Pelta		199.9	68.2
Jackie Huchenski		36.2	18.1
Sub Total		1095.5	259.2
WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW			
Carolyn Waller		70.9	47.65
Deborah Sanders		39.25	39.25
Sub Total:		110.15	86.90
OTHERS			

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Ira Kurzban	10.8	10.6
Lucas Guttentag	51.0	29.45
Gil Carrasco	28.0	13.50
<b>ATTORNEY TOTAL:</b>	<b>1295.45</b>	<b>399.65</b>

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Maria Garnica	240.60	15.10
Jackie Burger	96.25	49.75
<b>Sub Total:</b>	<b>336.85</b>	<b>64.85</b>
<b>Total:</b>	<b>1,632.30</b>	<b>464.50</b>

**COSTS**

Filing Fees

Duplicating Costs

Sub Total:

\* The Emergency Interim Proposal amount represents the total number of hours requested by Plaintiffs less the number of hours challenged by the Government multiplied by the statutory rate.

Hours Requested	Emergency	Hours Challenged	Statutory Rate	Interim Proposal
FOX Wayne H.	138.3	17.0	\$97.50	\$11,826.75
Lynda S.	69.4	19.8	97.50	4,836.00
Aronofsky	56.0	18.0	97.50	3,705.00
Jackie Huchenski	36.2	18.1	97.50	1,764.75
<b>Sub Total</b>				<b>1095.5</b>
<b>Total</b>				<b>259.2</b>

81,539.25 WASHINGTON LAWYERS' COMMITTEE

FOR CIVIL RIGHTS UNDER LAW	Carolyn Waller	70.9	47.65	\$97.50	\$2,266.88
	Deborah Sanders	39.25	39.25	97.50	--0--
	<b>Sub Total:</b>	<b>110.15</b>	<b>86.90</b>	<b>\$2,266.88</b>	<b>OTHERS</b>
	Ira Kurzban	10.8	10.6	97.50	
	Lucas Guttentag	51.0	29.45	97.50	2,101.13
	Gil Carrasco	28.0	13.50	97.50	1,413.75
<b>ATTORNEY TOTAL:</b>		<b>1295.45</b>	<b>399.65</b>		<b>\$87,340.51</b>
	Maria Garnica	240.60	15.10		\$24.33
	Jackie Burger	96.25	49.75		24.33
	<b>Sub Total:</b>	<b>336.85</b>	<b>64.85</b>		<b>\$6,617.77</b>
<b>Total:</b>	<b>1,632.30</b>	<b>464.50</b>			<b>\$93,958.28</b>
<b>COSTS</b>					
Filing Fees					\$120.00
Duplicating Costs					\$1,034.90
<b>Sub Total:</b>					<b>\$1,154.90</b>
<b>GRAND TOTAL:</b>					<b>\$95,113.18</b>

(Fees Plus Costs)FN\* The

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Emergency Interim Proposal amount represents the total number of hours requested by Plaintiffs less the number of hours challenged by the Government multiplied by the

statutory rate.