

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

DISTRICT OF COLUMBIA,

Plaintiff,

v.

ALICE KIRKSEY-HARRINGTON,

Defendant.

Civil Action No. 14-180 (BAH) (AK)

consolidated with

Civil Action No. 13-2029 (BAH) (AK)

Judge Beryl A. Howell

MEMORANDUM AND ORDER

This consolidated case was randomly referred to a Magistrate Judge for a report and recommendation on the defendant’s Motion for Attorneys’ Fees and Costs (“Def.’s Mot.”), ECF No. 23. *See* Order, ECF No. 21; Referral to Magistrate Judge, ECF No. 22.¹ On July 31, 2015, the Magistrate Judge issued a report and recommendation, which recommended that the defendant’s motion be granted in part and denied in part. Report and Recommendation (“R&R”) at 17, ECF No. 27.

Specifically, the R&R recommended excluding certain charges with respect to the number of hours billed by defense counsel, R&R at 6–7, denying the defendant’s argument that her counsel’s legal fees may not be reduced because of a violation of her procedural rights, *id.* at 9, and declining to award LSI *Laffey* Matrix rates because the defendant produced insufficient evidence to demonstrate that such rates are the prevailing rates for IDEA litigation in the D.C. metropolitan area, *id.* at 13 (citing *Eley v. District of Columbia*, No. 13-7196, 2015 WL 4153874, at *6 (D.C. Cir. July 10, 2015)). Instead, the R&R recommended awarding USAO *Laffey* Matrix

¹ The related matters, *Kirksey-Harrington v. District of Columbia*, Case No. 13-2029 and *District of Columbia v. Kirksey-Harrington*, Case No. 14-180, were consolidated on July 30, 2014. *See* Case No. 13-2029, Minute Order, dated July 30, 2014.

rates for counsel's work on this case, except for counsel's February 25 to March 2, 2015 charges for preparing the motion for attorneys' fees, for which the R&R recommended awarding 75% of USAO *Laffey* Matrix rates. *Id.* at 14–15. Lastly, the R&R recommended minor adjustments to defense counsel's time billed for travel, *id.* at 16, and reimbursing the defendant for certain costs, *id.* at 16–17. Consequently, the R&R recommended awarding the defendant attorneys' fees in the amount of \$68,903 and costs in the amount of \$739.15. *Id.* at 18.

The R&R cautioned the parties that failing to file a timely objection within 14 days of the party's receipt of the R&R could result in their waiving the right to appeal an order of the District Court adopting the recommendations. *See id.* at 18–19. No objection to the R&R has been timely filed, and the time to file such an objection has lapsed, *see* Local Civil Rule 72.3(b), and, thus, any objections are deemed waived. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149–55 (1985).

The Court, upon independent consideration of the pending motion and the entire record herein, concurs with the recommendations made in the R&R. Accordingly, it is hereby

ORDERED that the Report and Recommendation, ECF No. 27, is ADOPTED in full; and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, the Defendant's Motion for Attorneys' Fees and Costs, ECF No. 23, is GRANTED IN PART and DENIED IN PART; and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, the defendant is entitled to attorneys' fees in the amount of \$68,903 and costs in the amount of \$739.15; and it is further

ORDERED that the plaintiff pay the defendant attorneys' fees in the amount of \$68,903 and costs in the amount of \$739.15 by September 16, 2015, unless the parties reach an alternative mutually agreeable date.

SO ORDERED.

This is a final appealable order.

Date: August 18, 2015



Digitally signed by Hon. Beryl A. Howell
DN: cn=Hon. Beryl A. Howell, o=U.S.
District Court for the District of
Columbia, ou=United States District
Court Judge,
email=howell_chambers@dcd.uscourts.
gov, c=US
Date: 2015.08.18 10:08:50 -04'00'

BERYL A. HOWELL
United States District Judge