

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
SHELLY PARKER, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 03-0213 (EGS)
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**NOTICE CONCERNING POSITION ON FEES AND THIRD NOTICE OF INTENT TO
RELY ON ADDITIONAL AUTHORITY AT ORAL ARGUMENT**

The District hereby notifies the Court and plaintiffs that it may rely at the upcoming hearing on *Gray v. Bostic*, 613 F.3d 1035 (11th Cir. 2010).

Further, the District amends its response to plaintiffs' fee petition as follows. Previously, the District of Columbia sought a reduction of 50 percent in the over 300 hours claimed by lead counsel for preparation of plaintiff's Supreme Court brief and the nearly 100 hours claimed by lead counsel for preparation for the Supreme Court argument. While the District continues to believe that plaintiff has not met his burden to show the reasonable necessity of this amount of time, it believes that the proposed reduction is unnecessary in light of separate deductions that the District has requested for inadequately detailed billing (15%) and lack of billing judgment (10%). Accordingly, the District withdraws its request for the additional 50 percent reduction. Restoring the 204.6 hours (*see* Defendants' Appendix at 1 (Dkt. 64 at 45)) results in 153.45 hours (*i.e.*, 204.6 – 25%). Under the USAO *Laffey* Matrix rate, this amendment results in an increase of \$64,449 (153.45 x \$420) to the District's proposed fee award for a total proposed award of \$721,607.95 after accounting for post-judgment interest, plus \$816.83 in expenses.

DATE: December 7, 2010

Respectfully submitted,

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/s/ Ellen A. Efros

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