

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

The District of Columbia respectfully notifies the Court of supplemental authority. On July 19, 2011, the trial judge issued a decision (copy attached) in *Kenny A. v. Deal*, No. 02-cv-1686 (N.D. Ga.), denying plaintiffs’ renewed motion for attorneys’ fees, on remand from the Supreme Court’s decision in *Perdue v. Kenny A.*, 130 S. Ct. 1662 (2010).

The trial court had originally awarded plaintiffs a 75% enhancement of the lodestar amount of \$6 million in attorneys’ fees, “based on the quality of representation provided by class counsel and the extraordinary results they achieved.” *Kenny A. v. Deal, supra*, slip op. at 2. On remand, the court denied any enhancement at all:

The guidelines established by the Supreme Court in this case significantly limit the circumstances under which a district court may enhance the lodestar based on superior attorney performance. Notwithstanding the truly outstanding performance of plaintiffs’ counsel in this case and the resulting benefit to the plaintiff class, the evidence in the record does not support the award of an enhancement under these newly established guidelines.

Id. at 28.

DATE: July 22, 2011

Respectfully submitted,

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/s/ Ellen A. Efros

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