

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Commission on Human Rights**



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**David C. Simmons**  
**Chief Administrative Law Judge**

October 18, 2013

To: All Parties

From: David C. Simmons, Chief Administrative Law Judge  
District of Columbia Commission on Human Rights

Subject: Notice of Memorandum and Order on Joint Motions for  
Reconsideration and Complainant's Supplemental Petitions for  
Attorneys' Fees in the Matter of *Laverne Robinson v. Ottenberg's  
Bakers, Inc.*, Docket Number 95-326-P (CN)

Attached hereto is the Memorandum and Order on Joint Motions for Reconsideration and Complainant's Supplemental Petitions for Attorneys' Fees in the above-referenced matter. In accordance with D.C. CODE § 2-1403.14, **any party adversely affected by this decision may file a Petition for Review in the District of Columbia Court of Appeals in accordance with D.C. CODE § 2-510 of the District of Columbia Administrative Procedure Act.**

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**DISTRICT OF COLUMBIA  
COMMISSION ON HUMAN RIGHTS**

In the Matter of

LAVERNE ROBINSON,

Complainant,

v.

Docket Number 95-326-P (CN)  
David C. Simmons  
Chief Administrative Law Judge

OTTENBERG'S BAKERS, INC.,

Respondent.

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**MEMORANDUM ON JOINT MOTIONS FOR RECONSIDERATION AND  
COMPLAINANT'S SUPPLEMENTAL PETITIONS FOR ATTORNEYS' FEES**

On September 26, 2012, the Commission entered an Order determining the specific amount of attorneys' fees and costs to be awarded in the above-captioned case. Both Respondent and Complainant have filed motions for reconsideration in this case, as allowed by D.C. MUN. REGS. tit. 4 § 430.1(g). Additionally, Complainant filed two supplemental petitions to recover additional attorneys' fees, as allowed by D.C. MUN. REGS. tit. 4 § 213. The Commission responds to the issues raised by both parties as follows:

**I. Issues Raised By Complainant**

**A. *Post Judgment Interest on Compensatory Damages Should be Awarded From April 18, 2001***

Complainant renews its objection to the Commission's determination, laid out in the Final Decision and Order Awarding Attorney's Fees and Costs and the Response to Exceptions to the Proposed Decision and Order, that post-judgment interest on the compensatory damages

award does not commence on the date of the original judgment on April 18, 2001 but instead commences on the later date that damages were recalculated and remitted on February 22, 2010. Complainant's objections to this argument have already been considered, directly addressed and found to be without merit. *See* Response to Exceptions to Proposed Decision and Order at 1-5. Complainant cites to the same cases and arguments that have already been rejected by this Commission and brings no new analysis or evidence to bear on this issue. *See* Response to Exceptions to Proposed Decision and Order at 1-5.

As we have stated in our previous responses, in *Bell v. Westinghouse Elec. Corp.*, 507 A.2d 548 (D.C. 1986), the Court found that where it *reinstates* a verdict issued at the trial level, interest runs from the date the original judgment should have been entered. *Id.* (emphasis added). This logic was also followed in *Lively v. Flexible Packaging Ass'n*, 930 A.2d 984, 996-97, where the Court held post-judgment interest on punitive damages runs from date of original verdict where the en banc court *reinstated* "the full award of punitive damages." *Id.* (emphasis added). Additionally, in *Chidel v. Hubbard*, 840 A.2d 689, 699-700 the Court applied *Bell* where the damages award was vacated by the Court of Appeals for recalculation of the liability of several tortfeasors, but the total amount of the damages award was not altered. Most importantly, the Court of Appeals has not held that a party whose damages award is *vacated* and significantly diminished on appeal is nonetheless entitled to interest running from the date of original judgment. For these reasons and reasons articulated in our Proposed Decision and Order as well as our Response to Exceptions to Proposed Decision and Order, we find post judgment interest should run from February 22, 2010 when the damages award was calculated. We therefore deny Complainant's motion to reconsider this issue and affirm our previous rulings on this matter.

***B. The Commission Should Specify an Amount of Damages for the Award of Back Pay and Interest***

Complainant also requests the Commission specify an amount of damages for the award of back pay and interest as specified in the Commission's Judgment on Damages, issued on February 22, 2010. Complainant specifically requests \$1,663.84 in back pay damages for the time period of March 15, 1995 to March 22, 1995 as well as \$2,473.79 in interest accruing from March 22, 1995. In response to Complainant's request, Respondent has submitted an affidavit signed by Ray Ottenberg, stating that Mr. Robinson received his regular salary and benefits from March 15, 1995 through April 15, 1995 and full severance pay and benefits from March 19, 1995 until April 15, 1995. *See* Opposition to Complainant's Motion for Reconsideration, Exhibit 1. We do not find this affidavit, signed in 2010, to be convincing and determinative of Mr. Robinson's compensation for the purposes of back pay due and ostensibly paid as back pay in 1995. Therefore, we order the payment of back pay from March 15 – March 22, 1995, plus interest in the amount of \$4,137.63 to be paid to Complainant, Mr. Robinson.

***C. The Commission Erred in Determining the Appropriate Date for Calculating Laffey Rates***

Complainant also renews its objection to the Commission's use of the *Laffey* Matrix in effect on March 24, 2010, the date on which Complainant's fee petition was filed. Complainant reasserts that the Commission should calculate fees using the rates in effect at the time of the Commission's Final Decision and Order. Again, Complainant does not put forward any new evidence or make any new arguments on this issue. Instead they claim the Commission "inexplicably" applied the 2009-2010 *Laffey* Matrix rates to their fee petition filed on March 24, 2010. In fact, we did explain our reasoning behind the application of the 2009-2010 *Laffey* Matrix rates for petitions filed that year. Our reasoning is laid out in our Proposed Decision and

Order, pp. 16-18, as well as our Response to Exceptions to the Proposed Decision and Order, pg. 9. *Lively* sets out the approach to be taken by D.C. courts in applying the *Laffey* Matrix in awarding attorneys' fees. Specifically, it states:

In requesting an award of attorneys' fees, a prevailing litigant can determine the number of hours that an attorney spent on the case, determine the attorney's experience level for each of the hours, *and then go to the chart applicable to the year in which the party petitions for an award of attorneys' fees* — here indisputably the 2004–2005 category — and calculate what is owed by multiplying the number of hours for each experience level by the hourly rate for that experience level.

*Lively*, 930 A.2d at 989 (emphasis added). The court determines the corresponding rate by referencing the current *Laffey* Matrix in effect at the time the fee petition is considered by the reviewing judicial entity. *Id.* at 989-90. Therefore, the appropriate date for calculating the rates to be applied is March 24, 2010, the date of the filing of the fee petition with this Commission. As Complainant notes, we have used the 2011-2012 *Laffey* Matrix for any petitions filed after May of 2011, consistent with the approach set out in *Laffey* and in our prior rulings. *See* Complainant's Motion for Reconsideration at 9. Our analysis and the decision in *Lively* is clear. Accordingly, Complainant's motion to reconsider this issue is denied.

***D. Complainant is Entitled to Interest on the Attorneys' Fees and Costs Award***

Complainant argues in the “alternative” to applying the most recent *Laffey* Matrix to all fee petitions, this Commission should now award interest on attorneys' fees and costs in the amount of \$165,136.30. This is the first time Complainant has raised this “alternative” argument and raised the issue of interest on an award of attorneys' fees and costs. We are not persuaded by Complainant's reliance on *Boehner v. McDermott*, 541 F.Supp. 2d 310 (D.D.C. 2008) for the proposition that Complainant is entitled to interest on attorney's fees and costs awarded in this jurisdiction. The Court in *Boehner* relied explicitly on a federal interest statute, 28 U.S.C. § 1961, which permits interest on “any money judgment in a civil case recovered in a district

court.” *Boehner* 541 F.Supp. 2d at 321. However, in this jurisdiction, provisions made to allow for interest are not as broad as those within the federal fee shifting statute. Instead the regulations state that interest can be claimed on an award of damages not on *any* money judgment. *See* D.C. MUN. REGS. TIT. 4, § 214.5. Complainant has presented no case law in this jurisdiction that has found interest on an attorneys’ fees award to be appropriate.

Additionally, it should be noted that the goal of attorney’s fees is to “attract competent counsel for [civil rights] cases, but not to provide them with windfalls.” *Lively v. Flexible Packing Ass’n*, 930 A.2d at 988. Complainant has already been awarded more than \$750,000 in attorneys’ fees and costs authorized by the Commission in this case. This “alternative argument,” allowing them to recover interest on this amount, would provide nothing short of a windfall for Complainant and is not grounded in any D.C. law or precedent. We do not consider Complainant’s attempt to collect additional compensation through interest on attorneys’ fees and costs as reasonable or appropriate in this case. Therefore, Complainant’s claim for interest on their award for attorney’s fees and costs is denied.

***E. Complainant is Entitled to Additional Fees and Costs That Were Incurred Subsequent to December of 2011***

Complainant ends their Motion for Reconsideration with a Supplemental Petition for Fees. Complainant requests to recover additional attorneys’ fees and costs that have been incurred in connection with efforts to recover fees and expenses since December 2011. In our Proposed Decision and Order we recognize that Complainant is entitled to recover fees incurred in conjunction with efforts to recover fees. However we state, “any hours *reasonably* spent preparing these petitions shall be included within the ultimate fee award.” *See* Proposed Decision and Order at 37. Complainant’s supplemental fee petition contains work that is far from reasonable. At this time, given the long and protracted nature of these attorneys’ fees proceeding

we do not find this supplemental fee petition to be reasonable. In *Lively*, the Court states that they limit their review to prevent “squabbles over attorneys’ fees from blossoming into ‘a second major litigation.’” *Id.* 930 A.2d at 988 (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983)). This request for additional fees and notice of future supplemental petitions effectively serves to turn the request for fees into a second major litigation in an already prolonged seventeen-year-old case. The inclusion of work we have already deemed to be inappropriate and unrecoverable in this case further speaks to the unreasonableness of this request. Additionally, while we recognize the long and protracted nature of this proceeding, our original Proposed Decision and Order permitted the submission of supplemental petitions for hours spent preparing the *fee petitions* themselves not for attempts to further prolong this proceeding. Instead of submitting necessary hours expended on preparing fee petitions, the charges in the recently submitted Supplemental Fee Petition include lengthy preparation of this Motion for Reconsideration, which largely contains arguments already decided upon by this Commission and rehashed as well as an “alternative” argument not grounded in D.C. law or precedent. We do not find these and all the other entries were completed in the preparation of fee petitions. Therefore, we deny Complainant’s supplemental fee petition claiming fees in the amount of \$58, 324.50 and costs in the amount of \$167.65.

## **II. Issues Raised By Respondent**

### ***A. The Commission Overlooked Billing Entries***

Respondent claims the Commission overlooked billing entries that should have been excluded because they fall into the categories explicitly decided by the Commission in their Proposed Decision and Order, as categories where the Complainant did not prevail or they are unable to recover fees for other reasons. Accordingly, Respondent requests an additional \$17,513



to be removed from the fee award. Applying the billing rates found in the 2010 *Laffey* Matrix and having reviewed the entries identified by Respondent carefully, we find that Complaint's attorneys' fee award should be reduced by only \$4,692.50.<sup>1</sup> Therefore, we grant in part and deny in part Respondent's request to further reduce the amount of attorneys' fees awarded.

***B. The Commission Erred in their Decision to Allow for \$28,052.72 in Costs***

Respondent claims the Commission erred in allowing Complainant to recover \$28,052.72 in costs because Complainant submitted "unexplained invoices" without proper itemization and thus failed to give reliable and probative evidence, necessary under D.C. MUN. REGS. tit. 4 § 214.4, that allows the Commission to ascertain the reasonable basis for assessing the amount. We disagree with this assertion. The regulations do not require a detailed description of each item photocopied or details of long distance phone charges. Complainant submitted an itemized list of costs detailing the general nature of each charge as well as affidavits attesting to the fact that the costs were reasonable and necessary. We have reviewed each item and the total amount of costs claimed for this lengthy litigation. Given the amount of time that has passed since these costs were incurred and given the relatively small amount of costs claimed in relation to the significant amount of attorneys' fees involved in this case, under the circumstances we find the costs to be reasonable and the descriptions adequate to justify those costs. Accordingly, we find that Complainant has provided legally sufficient evidence of the reasonable costs incurred during this case and therefore deny Respondent's motion to reconsider costs.

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<sup>1</sup> A red lined chart reflecting the specific entries acted upon accompanies this memorandum. *See* Attachment 1.

### **III. Complainant's Second Supplemental Petition For Attorneys' Fees**

Complainant filed a Second Supplemental Petition for Attorneys' Fees on February 26, 2013, in which Complainant objects to the Commission's *Laffey* Matrix determination, requests post judgment interest on its attorneys' fees and costs award, and requests additional attorneys' fees and costs incurred after October 22, 2012. Having reviewed Complainant's petition, we find that Complainant has not presented any new evidence or new precedent on any of the issues presented. Accordingly, for the reasons already stated in this memorandum, Complainant's Second Supplemental Petition to Recover Attorneys' Fees is denied.

### **IV. Conclusion**

This Order on Motions for Reconsideration and Complainant's Supplemental Petitions to Recover Attorneys' Fees, coupled with the previously issued Decision and Order on Attorneys' Fees and Costs, represent the Commission's findings of facts and conclusions of law as to the issues raised in this case.

# **ATTACHMENT 1**

TIME ENTRIES TO BE MODIFIED				Time to be Cut	Reason	Applicable Rate	Amount to be Subtracted
Date	Atty	Time	Description				
11/25/97	TLM	2.00	Meeting with TM to schedule depositions; review of materials for case; log in deposition dates; begin review of pleadings and chronology	<del>0 2.00</del>	Clerical; Block	\$285	<del>\$0 \$570</del>
12/18/97	TM	6.90	Research regarding interrogatories and discoverable evidence); draft letter; telephone call with Pat Pilachowski regarding depositions; draft Motion to Commissioner regarding status of negotiation regarding discovery; telephone call to Norman Weber regarding deposition; telephone call to Debaro Wilson- Robinson regarding same; telephone call with Pat Pilachowski regarding depositions; telephone call to Norman Weber; document management	<del>0 4.00</del>	Clerical; E.R.; Block	\$155	<del>\$0 \$620</del>
01/27/98	TLM	2.00	Log in deposition dates; meeting with TM re: discovery status and future of case; begin preparation for continuation of W. Walker deposition	<del>0 2.00</del>	Clerical; Block	\$285	<del>\$0 \$570</del>
05/18/01	SAM	1.90	To HR Commission office to obtain copy of commission's decision and case file for	<del>0 1.90</del>	Clerical	\$ 95	<del>\$0 \$181</del>
05/30/01	WJC	0.20	Conference with TLM regarding judgment/stay/execution	0.20	Failed/Unfiled; Bond/Attachment issue	<del>\$465 \$350</del>	<del>\$93 \$70</del>
05/30/01	TLM	4.00	Research on stay of enforcement of judgment; calls with P. Seltzer re: same; call with client re: status; call defense counsel re: extension; letter to DCHR requesting extension of time	<del>0 4.00</del>	Failed/Unfiled; Bond/Attachment issue	\$305	<del>\$0 \$1,220</del>

**Comment [S1]:** Denied. Activities are reasonable for an attorney handling the case.

**Comment [S2]:** Denied. Sufficient specificity provided about activities performed; activities are reasonable for an attorney handling the case.

**Comment [S3]:** Denied. Activities are reasonable for an attorney handling the case.

**Comment [S4]:** Denied. Reasonable activity for a paralegal.

**Comment [S5]:** Sustained. Complainant did not succeed on this issue.

**Comment [S6]:** Denied. Activities are reasonable.

TIME ENTRIES TO BE MODIFIED				Time to be Cut	Reason	Applicable Rate	Amount to be Subtracted
Date	Atty	Time	Description				
05/31/01	WJC	<del>1.10</del> 2.1 0	Review memo from TLM regarding stay issue; library research regarding same; reviewed rules and cases and statutes; meeting with TLM; draft email to Broker regarding Ottenberg acquisition; telephone call with Broker regarding Ottenberg sale; meeting with TLM	<del>1.00</del> 2.10	Failed/Unfiled; Bond/Attachment issue	<del>\$465</del> \$350	<del>\$465.00</del> \$735
05/31/01	TLM	<del>4</del> 5.5 0	Research on stay of judgment drafting of stay and appeal process; lengthy calls with client, Hearing Examiner, Corporation Counsel re: status and appeal; research sale of Ottenbergs; receipt and review of letters and orders from Hearing Examiner; call with Corporation Counsel re: status; review of Court of Appeals rules re: bond issue	<del>1.50</del> 5.50	Failed/Unfiled; Bond/Attachment issue	<del>\$410</del> \$305	<del>\$615.00</del> \$1,678
06/13/01	TM	<del>0.30</del>	Telephone call to Glenn Price regarding sale of Ottenberg's.	0.30	Failed/Unfiled; Bond/Attachment issue	<del>\$270</del> \$205	<del>\$81.00</del> \$62
06/13/01	TM	<del>0.50</del>	Telephone call to Cornelius Alexander regarding bond issue.	0.50	Failed/Unfiled; Bond/Attachment issue; Telecon w/ Commission	<del>\$270</del> \$205	<del>\$135.00</del> \$403
06/13/01	TLM	2.00	Receipt and review of Court of Appeals Order denying motion for bond; meeting with TM, WJC re: same and strategy; research options for protection of judgment	<del>0.20</del>	Failed/Unfiled; Bond/Attachment issue	\$305	<del>\$0</del> \$610
05/10/05	TLM	1.00	Call from and to client regarding status; review file regarding same and bond issue	<del>0.10</del>	Failed/Unfiled; Bond/Attachment issue	\$390	<del>\$0</del> \$390

**Comment [S7]:** Sustained in part. Reduced by one hour to a total of 1.10 hours due to excessive time spent on matter that did not prevail.

**Comment [S8]:** Sustained in part. Reduced by one and a half hours to a total of 4 hours due to excessive time spent on matter that did not prevail.

**Comment [S9]:** Sustained. Clerical error, should have been deleted.

**Comment [S10]:** Sustained. Clerical error, should have been deleted.

**Comment [S11]:** Denied. Activities are reasonable.

**Comment [S12]:** Denied. Communication with client is reasonable.

TIME ENTRIES TO BE MODIFIED				Time to be Cut	Reason	Applicable Rate	Amount to be Subtracted
Date	Atty	Time	Description				
09/02/05	TLM	<del>2.30</del> 1.20	Receipt and review of letter from counsel for Ottenbergs regarding sale of assets; letter to counsel regarding same and additional information; review of pleadings regarding motion for bond and subsequent pleadings; call with TM regarding same and motion for recommendation.	<del>0.1.20</del>	Failed/Unfiled; Bond/Attachment issue	\$405	<del>\$0 \$486</del>
09/06/05	TLM	1.20	Continued review of file and pleadings regarding effect of new information (sale of company) on judgment, bond and appeals case.	<del>0.1.20</del>	Failed/Unfiled; Bond/Attachment issue	\$405	<del>\$0 \$486</del>
09/07/05	TM	<del>8.10</del> 6.00	Reviewed correspondence received from Ottenbergs regarding sale of assets; drafted motion for reconsideration of denial of motion for supersedeas bond; drafted motion to shorten time within which to respond; meetings with TLM to discuss same; tics to counsel for DC rejoining motions.	<del>0.6.00</del>	Failed/Unfiled; Bond/Attachment issue	\$290	<del>\$0 \$1,740</del>
09/07/05	TLM	1.30	Receipt and review of letter from attorney for Ottenberg's regarding sale of stock; meeting with TM to discuss same; review and revise Motion for Emergency Bond; follow-up meeting with TM regarding same.	<del>0.1.30</del>	Failed/Unfiled; Bond/Attachment issue	\$405	<del>\$0 \$527</del>
10/04/05	TLM	0.90	Call from and to client regarding status of appeal and bond issue; review of Ottenberg's opposition to Motion for Bond.	<del>0.0.90</del>	Failed/Unfiled; Bond/Attachment issue	\$405	<del>\$0 \$365</del>

**Comment [S13]:** Denied. Reasonable reduction already made in previous order. See Proposed Decision and Order, October 7, 2011, Exhibit 4, pg. 44.

**Comment [S14]:** Denied. Activities reasonable.

**Comment [S15]:** Denied. Reasonable reduction already made in previous order. See Proposed Decision and Order, October 7, 2011, Exhibit 4, pg. 45.

**Comment [S16]:** Denied. Activities reasonable.

**Comment [S17]:** Denied. Communication with client is necessary; review of opposition's pleading necessary.

TIME ENTRIES TO BE MODIFIED				Time to be Cut	Reason	Applicable Rate	Amount to be Subtracted
Date	Atty	Time	Description				
12/05/05	WJC	0.30	Meeting with TLM re: possible settlement and follow up with DC Court of Appeals re: pending motion to ref bond.	<del>0.0.30</del>	Failed/Unfiled; Bond/Attachment issue	\$405	<del>\$0 \$122</del>
06/30/06	CDM	4.50	Conducted research under District of Columbia law to ascertain whether we can initiate a suit requiring defendant to preserve assets pursuant to DCHR findings of discrimination in light of professed intent to sell business	<del>0.4.50</del>	Failed/Unfiled; Bond/Attachment issue	\$245	<del>\$0 \$1,103</del>
07/07/06	CDM	<del>0.3.00</del>	Draft Complaint for Injunctive Relief to preserve assets of defendant pending appeal.	3.00	Failed/Unfiled Suit; Bond/Attachment issue	<del>\$330 \$245</del>	<del>\$990.00 \$735</del>
07/10/06	CDM	<del>0.3.00</del>	Review file in preparation for drafting Complaint for Injunctive Relief, Draft Complaint for Injunctive Relief.	3.00	Failed/Unfiled Suit; Bond/Attachment issue	<del>\$330 \$245</del>	<del>\$990.00 \$735</del>
07/10/06	TM	1.50	Reviewed Ottenberg's Opposition to Motion for Hearing and began reply to same.	<del>0.1.50</del>	Failed/Unfiled Suit; Bond/Attachment issue	\$375	<del>\$0 \$563</del>
07/11/06	CDM	<del>0.1.50</del>	Draft Complaint for Injunctive Relief with final edits	1.50	Failed/Unfiled Suit; Bond/Attachment issue	<del>\$330 \$245</del>	<del>\$495.00 \$368</del>
07/11/06	TLM	0.90	Receipt and review of Ottenberg's opposition to motion for hearing on bond; review of file regarding same; meeting with TM regarding status and strategy of separate civil suit.	0.90	Failed/Unfiled Suit; Bond/Attachment issue	<del>\$465.00 \$425</del>	<del>\$418.50 \$383</del>
07/18/06	LEC	0.20	Review file; prepare memo	<del>0.0.20</del>	Failed/Unfiled	\$425	<del>\$0 \$85</del>

**Comment [S18]:** Denied. Activities reasonable.

**Comment [S19]:** Denied. Activities reasonable.

**Comment [S20]:** Sustained. Complainant did not succeed on this issue.

**Comment [S21]:** Sustained. Complainant did not succeed on this issue.

**Comment [S22]:** Denied. Reasonable to review and respond to filing by opposing party.

**Comment [S23]:** Sustained. Complainant did not succeed on this issue.

**Comment [S24]:** Sustained. Duplicative. Same action completed by TM on 7/10/06.

**Comment [S25]:** Denied. Reasonable activities.

TIME ENTRIES TO BE MODIFIED				Time to be Cut	Reason	Applicable Rate	Amount to be Subtracted
Date	Atty	Time	Description				
			regarding motion for reconsideration.		Suit; Bond/Attachment issue		
07/24/06	TM	2.10	Reviewed Opposition to Motion for Hearing on Emergency Motion for Reconsideration regarding supersedeas bond; drafted reply to same; research recent rulings.	<del>0 2.10</del>	Failed/Unfiled Suit; Bond/Attachment issue	\$375	<del>\$0 \$788</del>
08/11/06	TLM	1.00	Call from and to client regarding recent pleadings filed with Court of Appeals to motion to set bond; review file regarding same; meeting with WJC regarding same and options.	<del>0 1.00</del>	Failed/Unfiled Suit; Bond/Attachment issue	\$425	<del>\$0 \$425</del>
03/08/07	EMN	1.40	Travel to District of Columbia Court of Appeals to retrieve recent ruling.	<del>0 1.40</del>	Clerical	\$135	<del>\$0 \$189</del>
03/14/07	TM	<del>4 5.00</del>	Reviewed cases cited by court order in preparation for motion for reconsideration; t/cs with possible amicus parties and government attorneys for support in motion for reconsideration.	<del>1.00 3.00</del>	Did not succeed; Extrajudicial	<del>\$410 \$390</del>	<del>\$410.00 \$1,170</del>
04/09/07	TLM	<del>1.80</del> 1.00	Call with client regarding case status and his contacts with various entities; call from and to B. Frederickson of MWELA about amicus; correspondence to Frederickson/MWELA regarding Amicus; call from reporter regarding decision	<del>0 1.00</del>	Extrajudicial	\$440	<del>\$0 \$440</del>
					<b>TOTAL TO BE DEDUCTED:</b>		<del><b>\$4,692.50</b></del> <del><b>\$17,513</b></del>

**Comment [S26]:** Denied. Reasonable to review opposing party's pleadings.

**Comment [S27]:** Denied. Necessary to communicate with client about case developments.

**Comment [S28]:** Denied. Reasonable task for paralegal.

**Comment [S29]:** Sustained in part. Reduced by one hour to a total of 4 hours due to time spent with possible amicus parties.

**Comment [S30]:** Denied. Reasonable reduction already made in previous order. See Proposed Decision and Order, October 7, 2011, Exhibit 4, pg. 52.



**DISTRICT OF COLUMBIA  
COMMISSION ON HUMAN RIGHTS**

In the Matter of

LAVERNE ROBINSON,

Complainant,

v.

Docket Number 95-326-P (CN)

OTTENBERG'S BAKERS, INC.,

Respondent.

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**ORDER ON JOINT MOTIONS FOR RECONSIDERATION AND COMPLAINANT'S  
SUPPLEMENTAL PETITIONS FOR ATTORNEYS' FEES**

**FOR THE REASONS SET FORTH IN THE FOREGOING MEMORANDUM IT**

**IS HEREBY ORDERED THAT:**

- 1) Complainant's request for an award of \$4,137.63 in back pay and interest to be paid to Mr. Robinson is **GRANTED**;
- 2) Complainant's Motion for Reconsideration is in all other respects **DENIED**;
- 3) Complainant's request for additional attorney's fees incurred after December 2011 is **DENIED**;
- 4) Respondent's request that certain amounts be deducted from the award of attorney's fees is granted in part, accordingly, \$4,692.50 will be deducted from the attorneys' fees award issued on September 26, 2012, thereby reducing the fees to be paid to Complainant's attorneys to: \$744,058;

5) Respondent's Motion for Reconsideration is in all other respects **DENIED**;

6) Complainant's Second Supplemental Petition for Attorneys' Fees is **DENIED**.

*/s/ Nkechi Taifa*

Nkechi Taifa  
Chairperson

*/s/ Michael E. Ward*

Michael E. Ward  
Vice Chairperson

*/s/ John D. Robinson*

John D. Robinson  
Commissioner

**SO ORDERED** this 18th day of October 2013.