

LASHAWN A. BY EVELYN MOORE, *ET AL.*, :  
 v. : D.D.C. Civ. No. 89-1754  
 : D.C. Cir. No. 00-7122  
 ANTHONY B. WILLIAMS, *ET AL.* :

**ATTORNEYS' FEES SETTLEMENT AGREEMENT**

The parties to this litigation, acting through their counsel who are duly authorized to make this agreement on their behalf, hereby agree as follows:

1. Within two working days of execution of this agreement, the parties will jointly move in the United States Court of Appeals for the District of Columbia Circuit to remand appeal No. 00-7122 to the District Court for entry of a modified partial final judgment.

2. Within five working days of entry of the Court of Appeals remand order, the parties will jointly move in the District Court for a Modified Partial Final Judgment for \$1,750,000 (one million seven-hundred-fifty thousand dollars) in place of the judgment entered in D.D.C. Civ. No. 89-1754 on April 6, 2000.

3. The District of Columbia will pay plaintiffs \$1,750,000 (one million seven-hundred-fifty thousand dollars) in accordance with the Modified Partial Final Judgment within thirty days of execution of this agreement, such payment to be regarded as full and complete satisfaction of all attorneys' fees and costs accrued by plaintiffs in this litigation through and including March 2, 2000. If the District of Columbia does not make the payment within thirty days of execution of this agreement, interest at the statutory rate specified by 28 U.S.C. § 1961 will begin to run as of the thirtieth day, whether or not the District Court has entered the Modified Partial Final Judgment as of that date.

The parties recognize that the District of Columbia may be prevented from making timely payment of the sum due under this paragraph by the unavailability of appropriated funds due to circumstances beyond its control. Such unavailability shall not diminish the obligation of the District to make such payment when funds are available and to pay interest at the statutory rate for the period of delay. In any action brought by plaintiffs to make such payment, the District will acknowledge its obligation to make such payment when funds become available.

4. All attorneys' fees and costs in D.D.C. Civ. No. 89-1754 accruing after March 2, 2000, shall be governed by the following provisions:

A. Plaintiffs shall henceforth file and serve itemized applications for fees and costs approximately every six months. The application for the period from March 3, 2000, to and including September 30, 2000 (or any later date), shall be filed and served on trial counsel for the District of Columbia within seventy-five days of execution of this agreement.

B. Fees will be calculated using the *Laffey* matrix in effect at the time of service of plaintiffs' fee application except (i) that the fees for Marcia Lowry will be paid

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at a rate ten per cent higher than the applicable *Laffey* matrix rate and (ii) fees for time spent in travel shall be at 50% of the otherwise applicable rate.

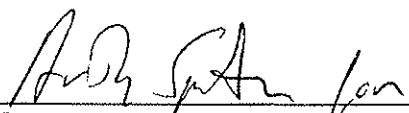
C. The District of Columbia will have forty-five days without extension from the time of service of each fee application to file objections in the District Court that the hours spent are inaccurate, unreasonable, or redundant. In objecting to a particular fee application, the District of Columbia may argue to the District Court that, in determining whether the hours spent were "unreasonable," the court should consider the degree to which a request for relief was unsuccessful; plaintiffs may argue that this is not an appropriate consideration. No other grounds for objection may be raised. The District of Columbia is foreclosed from objecting that fees are not payable because (i) the Modified Final Order entered by the District Court in January 1994 is not based on federal law or the Constitution; (ii) that the work performed benefits members of the *LaShawn* class who are not in the custody of the District of Columbia; or (iii) that the work performed is for monitoring.

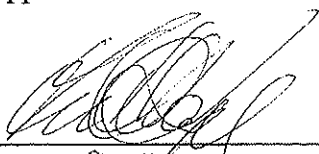
D. Regardless of whether the District of Columbia files timely objection to a fee application, it will nevertheless pay all undisputed fees and costs within seventy-five days of service of the application together with interest at the statutory rate specified by 28 U.S.C. § 1961, calculated from the forty-fifth day following service of the application.

E. The District of Columbia will pay all disputed fees and costs awarded by the District Court within thirty days of entry of an order awarding fees (or, if an appeal is filed, within thirty days of final disposition of the appeal), together with interest at the statutory rate specified by 28 U.S.C. § 1961, calculated from the day of the District Court judgment on fees.

F. If an appeal is filed, neither party will file dispositive motions, move for extensions of time, or otherwise act to delay disposition of the appeal.

5. This agreement shall be enforceable in the District Court, except that paragraph 4.F. shall be enforceable in the United States Court of Appeals.

  
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November 22, 2000