

attorneys' fees and costs that Plaintiff has requested," *id.* The plaintiff seeks fees and costs in the amount of \$12,764.52, based on billing invoices it has produced, covering the period from November 1, 2004 through October 31, 2005. The defendants claim that the plaintiff is entitled to no more than \$5457.13. The source of the dispute is based on (1) the hourly rate of the plaintiff's attorneys; (2) the amount of time billed; and (3) whether the attorneys billed for work done on other matters unrelated to this case.

II. DISCUSSION

a. Hourly Rate

First, defendants contend that the hourly rate of \$175.00 charged by plaintiff's counsel is not justified. The attorneys, however—Paul A. Fenn and Anthony M. Conti—have thirteen years of combined civil litigation experience. Moreover, Jacob A. Stein, Esq. avers that the \$175.00 per hour "likely is below market rate in the District of Columbia for attorneys with experience equal to that of Messrs. Fenn and Conti." Stein Aff., at 2. The court notes that Messrs. Conti and Fenn are based in Baltimore, a smaller legal market with lower average rates than in the District of Columbia, and also that Mr. Stein is a seasoned D.C. litigator with highly credible opinions on local law practice. For all these reasons, the court agrees with the plaintiff that the rates charged by plaintiff's counsel are reasonable.

b. Hours Worked

Next, the defendants challenge some of the individual entries on the billing invoices provided by the plaintiff. The court has reviewed each of these entries, and the arguments of counsel. Accordingly, the court has reduced the hours in the invoices covering November 2004 through September 2005 to 31.99 hours. Additionally, the court has reviewed the supplemental invoices covering October 2005, which bills for 28.6 hours. Because these October entries appear reasonable to the court, and because defendants have not rebutted their contents, the court will award plaintiff's counsel attorney fees in the amount of 60.59 hours x \$175.00/hr, for a total of \$10,603.25. The court will also award plaintiff's counsel their documented costs of \$336.27.

c. Compliance with DC FOIA

The plaintiff also requests that the court declare that defendants are "in unlawful violation of the DC FOIA," and that defendants "produce any and all remaining information requested in this action" The plaintiff is clearly dissatisfied with the production made by defendants—yet it has not identified with any particularity why it is dissatisfied with the document production, and what specifically it still seeks through this litigation. Absent specific details as to what plaintiff is entitled to and why, the court refuses to make any such blanket declaration in an order.

d. Finality of this action

Finally, the plaintiff requests that the court "maintain[] jurisdiction over this matter to enforce an additional award of attorneys' fees and costs pending the required production of documents described above." Pl.'s Reply, at 12. Under § 2-537(c), the party who "prevails in whole *or in part* in such suit . . . may be awarded reasonable attorney fees and other costs of litigation" (emphasis added). Accordingly, under § 2-537(c), the court makes an award of fees and costs that the plaintiff has incurred up to November 1, 2005. Absent a motion to end this litigation, however, the court will not decide whether the case should be closed or not, and declines to enter any order along those lines.

Therefore, it is this 8 day of May, 2006, hereby

ORDERED, that plaintiff's Motion for Attorneys' Fees and Costs is


GRANTED; it is further

ORDERED, that defendants pay plaintiff \$10,939.52 in fees and costs, based on the court's review of the submitted invoices; it is further

ORDERED, that plaintiff's request that this court declare the defendants in violation of the DC FOIA is **DENIED**; it is further

ORDERED, that plaintiff's request that this court order defendants to produce further information under FOIA is **DENIED**; and it is further

ORDERED, that plaintiff's request that this court order that it maintains jurisdiction over this matter is **DENIED**.



Geoffrey M. Alprin
Associate Judge
(Signed In Chambers)

Copies to:

Anthony M. Conti, Esq.
Paul A. Fenn, Esq.
CONTI FENN & LAWRENCE LLC
36 South Charles Street, Suite 2501
Baltimore, Maryland 21201

Veronica A. Porter, Esq.
Assistant Attorney General
441 4th Street, N.W., 6th Floor South
Washington, D.C. 20001