

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

**John F. Kennedy Center for the
Performing Arts,**

Plaintiff,

v.

Charles Redd,

Defendant.

Case No.: 2026-CAB-1457

Hon. Tanya M. Jones Bosier

Next Event: None Scheduled

**PLAINTIFF’S RESPONSE TO DEFENDANT’S
MOTION FOR ATTORNEYS’ FEES & COSTS**

Plaintiff, The John F. Kennedy Center for the Performing Arts (“The Center”),¹ responds to Defendant Charles Redd’s Motion for Attorneys’ Fees and Costs. With a straight face, Mr. Redd’s counsel asks the Court to award them more than a quarter million dollars for a simple breach of contract claim in which the underlying contract involved \$6500 to be paid to Mr. Redd for a one-hour Christmas Eve concert that he forced to be cancelled.² No official discovery occurred in this case. There was no summary judgment briefing. There was no trial.

¹ Plaintiff’s stipulated name has been altered here to reflect the ruling in *Beatty v. Trump* that the Center’s legal name is the “John F. Kennedy Center for the Performing Arts.” 2026 WL 1505646 at *24-26 (D.D.C. May 29, 2026).

² Given the inchoate nature of the sunk costs and goodwill damages attributable to Mr. Redd’s cancellation, the Center’s Amended Complaint’s damages request did not specify a set amount, leaving that determination to the Court. Even at (hypothetically) ten times the contract’s value, the Center’s damages would be \$65,000.

The entirety of the Defendant’s counsels’ legal work in this case consisted of Mr. Redd’s Special Motion to Dismiss based on the District’s Anti-SLAPP statute, D.C. Code § 16-5502.³ Mr. Redd filed his motion and reply in support thereof; the Center filed a response and sur-reply. The Court held a May 18, 2026, hearing on the dismissal motion with no witnesses lasting less than 45 minutes, and on June 5, 2026, issued a 17-page Order granting dismissal in favor of Mr. Redd.

That briefing addressed two concepts: First, whether the District’s Anti-SLAPP statute applied to the Center’s breach of contract claim against Mr. Redd. Because the Anti-SLAPP doesn’t apply in federal court (*Tah v. Global Witness Publ’g, Inc.*, 991 F.3d 231, 238-39 (D.C. Cir. 2021)), at the time of the briefing, the entire universe of cases substantively addressing some aspect of the Anti-SLAPP law was nineteen D.C. Court of Appeals cases. Even including federal cases that have in some way substantively addressed the law, the total number of cases is under 40.

The second issue was whether the Center could make a breach of contract claim in the absence of a signed contract. The answer to that is known by anyone who has made it through first semester contracts class in law school: If the parties’ conduct demonstrates a meeting of the minds as to all material terms, a contract exists, regardless of whether there is a signed writing.

Plaintiff’s counsel’s billing rate in this case is \$550 per hour.⁴ The *total* amount billed to the Plaintiff Center in this case—covering all attorney time and expenses from researching the

³ Defendant Redd also filed a standard Motion to Dismiss Pursuant to Rule 12(b)(6), which was simply a duplicate of the “likely to succeed on the merits” component of its Special Motion to Dismiss addressing the breach of contract claim itself.

⁴ Undersigned counsel is a 1997 graduate of Northwestern Law School in Chicago, clerked for the U.S. District Court in the Eastern District of Michigan, and has argued before all levels of the federal and state courts. The hourly rate charged to clients varies based on the complexity of the matter, the jurisdiction in which the litigation transpires, and the client. \$550 an hour is a typical

case to drafting the complaint to opposing the motion to dismiss and reading the Court's opinion—is \$13,165.99. Undersigned counsel expended 20 hours working on this case, for a total attorney fee billing to the Center of \$11,020. For all aspects of dealing with Defendant's Special Motion to Dismiss (i.e., reviewing the briefs, research, writing, editing, filing, argument, and reviewing the Court's orders), undersigned counsel expended 16.75 hours, for a total charge of \$9,212.50. The Center incurred another \$2,145.99 in court filing and Westlaw fees.

Defendant's counsels' fee request is nothing short of astonishing. It is out of all proportion to the issue at stake, the non-complexity of case, the experience needed to handle it, and most importantly, the work needed to defend it. The D.C. Circuit has addressed what courts should do when faced with an abusive request like the one here:

In deciding the reasonableness of the hours reported, we properly disallow "time spent in duplicative, unorganized or otherwise unproductive effort." *Jordan v. Dept. of Justice*, 691 F.2d 514, 518 (D.C. Cir. 1982). We may deny in its entirety a request for an "outrageously unreasonable" amount, lest claimants feel free to make "unreasonable demands, knowing that the only unfavorable consequence of such misconduct would be reduction of their fee to what they should have asked for in the first place." *Brown v. Stackler*, 612 F.2d 1057, 1059 (7th Cir.1980); accord *Jordan*, 691 F.2d at 518; *Trichilo v. Secretary of Health and Human Services*, 823 F.2d 702, 708 (2d Cir.1987). In a case of less egregious overbilling, we may impose a lesser sanction, such as awarding a fee below what a "reasonable" fee would have been in order to discourage fee petitioners from submitting an excessive request. *Cf. Farris v. Cox*, 508 F.Supp. 222, 227 (N.D.Cal.1981) (denying attorney's fee for work on fee petition in order to "curb the practice of padding fee requests" but awarding fee for work on merits).

Environmental Defense Fund v. Reilly, 1 F.3d 1254, 1258 (D.C. Cir. 1993). The Supreme Court has also made clear the duty of attorneys not to use fee shifting statutes to bill amounts they would not imagine billing their own clients:

Cases may be overstaffed, and the skill and experience of lawyers vary widely. Counsel for the prevailing party should make a good faith effort to exclude from a

rate charged by undersigned counsel for a straightforward breach of contract suit in the D.C. Superior Court.

fee request hours that are excessive, redundant, or otherwise unnecessary, just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission. In the private sector, “billing judgment” is an important component in fee setting. It is no less important here. Hours that are not properly billed to one’s *client* also are not properly billed to one’s *adversary* pursuant to statutory authority.

Hensley v. Eckerhart, 461 U.S. 424, 434 (1983) (cleaned up) (emphasis in original).

The fee applicant is responsible “for submitting satisfactory evidence to establish both that the requested rate is in accord with the prevailing market rate and the hours [spent] are reasonable.” *Duckworth v. Whisenant*, 97 F.3d 1393, 1396 (11th Cir. 1996). A “court also should exclude from [its] initial fee calculation hours that were not reasonably expended.” *Id.* Courts should disallow outrageously inflated requests from attorneys altogether to discourage such billing practices. *Reilly*, 1 F.3d at 1258-60. “If . . . the court were required to award a reasonable fee when an outrageously unreasonable one has been asked for, claimants would be encouraged to make unreasonable demands, knowing that the only unfavorable consequence of such conduct would be reduction of their fee to what they should have asked for in the first place. To discourage such greed a severer reaction is needful.” *Brown v. Stackler*, 612 F.2d 1057, 1059 (7th Cir. 1980) (District court’s denial of entire “outrageously excessive” statutory counsel fee request was “entirely appropriate, and hopefully effective, means of encouraging counsel to maintain adequate records and submit reasonable, carefully calculated, and conscientiously measured claims when seeking statutory counsel fees.”). *Accord*, *Scham v. District Cts. Trying Criminal Cases*, 138 F.3d 554, 558-59 (5th Cir. 1998) (affirming district court’s denial of entire fee request by prevailing party when request so excessive as to “shock the conscience”)

While there is no doubt as to the number of years in practice of Mr. Redd’s counsel, the pertinent question is whether the complexity of this matter warrants the number of hours his attorneys claim to have expended, the rates those attorneys seek to charge, or required the

experience level of the attorneys who were assigned to it. *Muldrow v. Re-Direct, Inc.*, 397 F.Supp.2d 1, 4-5 (D.D.C. 2005) (reducing high-end fees as unwarranted for non-complex simple negligence case involving single plaintiff and defendant, with few pre-trial motions). It is inappropriate to charge partner rates for litigation tasks that can be readily performed by an associate. *Feldblyum v. Eight Bros. Devel., LLC*, 2020 WL 1079175 at *3 (D.D.C. March 6, 2023).

The Fitzpatrick Matrix's attorney fee rates are appropriate for complex litigation, not relatively simple cases. *See, e.g., Rawlings v. District of Columbia*, 2025 WL 1432278 at *6-8 (D.D.C. May 19, 2025) (using 75% of the Fitzpatrick Matrix fees for non-complex litigation). "Hours spent litigating a case that does not raise any extraordinarily difficult or complex legal or factual issues" generally should not exceed the 20 to 40 hour guideline range." *Peyton v. Kijakazi*, 557 F.Supp.3d 136, 141 (D.D.C. 2021) (cleaned up). It is, for example, unreasonable for an attorney to spend more than 150 hours researching and writing two briefs on a motion to dismiss in a straightforward case. *Pace v. Califano*, 1977 WL 826 at *2 (D.D.C. March 23, 1977).

Courts are empowered to make percentage reductions of unreasonable fee requests "without performing an item-by-item accounting." *Copeland v. Marshall*, 641 F.2d 880, 903 (D.C. Cir. 1980) (en banc). The obligation is on the attorneys filing fee petitions to act reasonably in the first instance:

[C]ourts are not required to become "green-eyeshade accountants" in reviewing a party's fee submission. *Fox v. Vice*, 563 U.S. 826, 838 (2011). Instead, the essential goal for the trial court "is to do rough justice, not to achieve auditing perfection." *Id.* To this end "it is as much the duty of courts to see that excessive fees and expenses are not awarded as it is to see that an adequate amount is awarded." *ACLU v. Barnes*, 168 F.3d 423, 428 (11th Cir. 1999). Simply put, courts are not authorized "to be generous with the money of others." *Id.* Moreover, in general, fees for paralegal or other non-attorney work are recoverable "to the extent that the [professional] performs work traditionally done by an attorney." *Jean v. Nelson*, 863 F.2d 759, 778 (11th Cir. 1988). "To hold otherwise would be counterproductive because excluding reimbursement for such work might

encourage attorneys to handle entire cases themselves, thereby achieving the same results at a higher overall cost.” *Id.*

TYR Tactical, LLC v. Productive Prod. Enter., LLC, 2018 WL 3110799 at *5 (S.D.Fla. April 11, 2018).

[A] “prevailing [party] is not entitled to have the losing party pay for an attorney with the most expertise on a given legal issue, regardless of price, but only for one with reasonable expertise at the market rate.” *ACLU*, 168 F.3d 423, 437 (11th Cir. 1999).

. . . Reasonable fee applications are not designed to compensate for premium billing and premium-level services. They are designed to provide adequate compensation that is reasonable to bill to one's adversary irrespective of the skill, reputation or experience of counsel. *Hermosilla v. Coca-Cola Co.*, 2011 WL 9364952 at *10 (S.D.Fla. July 15, 2011), citing *Norman v. Housing Auth. of City of Montgomery*, 836 F.2d 1292, 1301 (11th Cir. 1988); *see also Golf Clubs Away, LLC v. Hostway Corp.*, 2012 WL 2912709 at *3-4 (S.D.Fla. July 16, 2012) (reducing billing rate for Arthur Miller, a nationally known law professor and author of leading federal practice treatise, from \$995 to \$500 per hour, and reiterating that a prevailing party is not entitled to fees for an attorney with the most experience, but only for an attorney with “reasonable expertise”).

TYR Tactical, 2018 WL 3110799 at *9.

“When a party submits a fee petition, it is not the opening bid in the quest for an award. Rather, it is the duty of the requesting party to make a good faith effort to exclude hours that are excessive, redundant, or otherwise unnecessary.” *Oden v. Shane Smith Enters., Inc.*, 27 F.4th 631, 634 (8th Cir. 2022).

The outrageous wasteful billing in this case for which Mr. Redd’s counsel seek reimbursement runs counter to all norms of the profession. The Court should not countenance this conduct, and it should deny their attorney’s fee petition in its entirety.

If, however, the Court does entertain the Defendants’ petition, the following strictures should guide its consideration.

First, while the D.C. Court of Appeals has held that “A successful [anti-SLAPP] movant⁵ is presumptively entitled to a fee award; there is no requirement that the suit be a ‘classic’ SLAPP, filed with an improper motive, or utterly devoid of merit” it has not provided guidance as to the exception to that presumption, namely, that “special circumstances would render the fee award unjust.”⁶ *Jacobson v. Clack*, 309 A.3d 571, 578 (D.C. 2024). Here, the particular special circumstance that militates against the fee award is that nothing in the Center’s suit prevented Mr. Redd from expressing his views, either before or after the suit. The suit was brought over his last-minute cancellation of a concert performance, an ordinary contractual breach.

Second, the well-established case law on attorneys’ fees precludes the vast majority of what Mr. Redd’s counsels seek here. Experienced⁷ and competent counsel should know, for instance, that (1) media relations are not a taxable attorney fee; (2) paralegal functions cannot be billed at attorney rates; (3) an attorney cannot bill for more than 80 hours to participate in a 45-minute hearing; (4) it is unreasonable to bill for multiple hours to file consent motions seeking extended time and page limits, or for communications with opposing counsel that can be performed in a 2-sentence email; and (5) a party cannot seek reimbursement for independent arguments it lost (such as filing confidential settlement agreements in contravention of controlling law).

⁵ The Center respectfully disagrees with the Court’s conclusion that the Anti-SLAPP statute applies in this case, but assumes the decision to be correct for purposes of the instant motion.

⁶ The Center’s position is that the Court of Appeals misconstrued the statute as creating a strong presumption in favor of a fee award, and that the better construction is that posited by the concurrence in *Doe v. Burke*, 133 A.3d 569, 579-85 (D.C. 2016) (McCleese, J., concurring) (trial courts should have discretion in determining whether an attorneys fee award is warranted under the anti-SLAPP Act). This Court, of course, is bound by the *Jacobson* standard.

⁷ Long experience practicing law is no guarantee of attorney competence. *See, e.g., Cicero v. Borg-Warner Automotive Inc.*, 163 F.Supp.2d 743, 749 n.7 (E.D.Mich. 2021).

The usual rule of thumb for reasonable billing is one hour per page of a brief filed for researching, drafting, and editing. *Tobias v. U.S. Dept. of Interior*, 2026 WL 879191 at *9 (D.D.C. March 31, 2026); *Struve v. Gardner*, 2021 WL 1948868 at *3 (S.D.Ind. May 14, 2021) (collecting cases). In a law firm with both senior and junior attorneys, for junior attorneys, a reasonable allocation is one page per hour for a junior attorney to research and draft the brief, and ten pages an hour for a senior attorney to edit. *Mitchell v. Nat'l R.R. Passenger Corp.*, 217 F.R.D. 53, 59-60 (D.D.C. 2003).

Reviewing the Complaint

The Amended Complaint in this case is four pages long, containing one breach of contract count. Attorneys Katz and Banks, each with more than 20 years experience, seek to bill 2.6 hours just for reviewing and initially discussing the Complaint. This is unreasonable. One senior attorney could have easily accomplished this task in 30 minutes.

3/6/26

DK Complaint review (1.0-\$930.00)

DK discuss case w/ LJB (0.3-\$279.00)

LJB review Complaint (1.3-\$1,194.70)

Administrative Communications & Motions.

In the course of the case, Attorney Katz contacted undersigned counsel to agree to accept service. Defendants also filed consent motions for extra pages and extra time to file, and spent large amounts of time figuring out how to file their motions to dismiss. The time for which Defendants seek to bill for these simple tasks is grossly disproportionate to what would be needed in a properly managed case. All of this time should be disallowed, except 1.75 hours for a junior attorney to cover the four tasks. *See, e.g., Buergofol GMBH v. Omega Liner Co., Inc.*, 2024 WL

360812 at * 6 (D.S.D. Jan. 21, 2024) (unreasonable to effectively bill \$1000/page on a brief dealing with basic civil procedure issues).

Accepting Service of the Complaint

3/10/26

JBC Draft letter from DK to opposing counsel re: accepting service (0.6-\$336.00)

JBC Conducting research re: citations for same (0.3-\$168.30)

JBC Confer w/ front desk re: finalizing letter to opposing counsel

SB Finalize letter (0.2-\$135.00)

Figuring Out How to File Dismissal Motions

3/17/26

JBC Review DC Superior Court rules and guidelines (0.9-\$504.90)

3/18/26

SB Conduct research re: DC rules (0.4-\$270)

3/23/26

JBC Review administrative requirements for filing motion to dismiss and anti-SLAPP (0.4-\$224.40)

3/24/26

JBC Consider procedural options for filing motions (0.3-\$168.30)

3/26/26

JCB Confer w/ SCB re: updated plan for filing (0.1-\$56.10)

JCB Draft email to KMD re: updated plan for filing (0.1-\$56.10)

JCB Telephone call w/ KMD re: updated plan for filing (0.1-\$56.10)

JCB Review court rules re: filing requirements (0.5-\$280.50)

Filing an Excess Page Limits Motion

4/23/26

JBC Conduct research re: filing motion to exceed page limit (0.7-\$392.70)

JBC Outline motion for same (0.2-\$112.20)

JBC Draft motion to exceed page limit (0.7-\$392.70).

4/28/26

JBC Draft motion for leave to file extended reply to response to anti-SLAPP (0.9-\$504.90)

JBC Draft email to DSK, LJB, and SBC re: next steps (0.2-\$112.20)

JBC Draft letter to opposing counsel re: seeking consent to file longer reply (0.4-\$224.40)

JBC Draft email to DSK re: same (0.1-\$56.10)

4/29/26

JBC Incorporate DSK edits to draft letter to opposing counsel re: consent request (0.2-\$112.20)

JBC Proofread same (0.3-\$168.30)

JSB Email exchange w/ front desk re: same (0.1-\$56.10)

5/1/26

DK Text exchange w/ JBC re: responding to opposing counsel re: consent motion (0.1-\$56.10)

JBC Review court rules re: consent motions (0.1-\$56.10)

JBC Review court dockets re: samples of consent motions (0.2-\$112.20)

JBC Text exchange w/ LJB and DSK re: responding to opposing counsel re: consent motion (0.1-\$56.10)

5/2/26

LJB Text exchange w/ JBC re: response to opposing counsel (0.1-\$56.10)

DK Telephone call w/ JBC re: response to opposing counsel (0.1-\$93.30)

JBC Telephone call w/ DSK re: response to opposing counsel (0.1-\$56.10)

5/3/26

JBC Edit Motion for Leave to file extended Reply (0.2-\$112.20)

5/4/26

JBC Edit consent motion (0.5-\$280.50)

Filing and Extension of Time Motion for Attorneys' Fees Petition

6/15/26

JBC Text exchange w/ DSK and LJB re: requesting extension for motion for attorneys fees (0.1-\$56.10)

JBC Draft email to opposing counsel re: same (0.2-\$112.20)

JBC Draft motion to extend deadline for motion for attorneys fees (0.4-\$112.20)

JBC Draft proposed order re: same (0.1-\$56.10)

JBC Draft email to DSK and LJB re: same (0.1-\$56.10)

JBC Proofread draft motion and proposed order re: extending deadline (0.4-\$224.40)

JBC Implement DSK edits to same (0.2-\$112.20)

6/18/26

JBC Draft email to Court re: motion for extension (0.1-\$56.10)

Defendant's Opposition for Plaintiff's Leave to File Response Out of Time.

For no constructive purpose, Defendant's counsels (apparently) spent significant time to oppose the Center's response to his Anti-SLAPP motion. An experienced, competent attorney would know that such brief extensions are extended by opposing counsels as a matter of basic courtesy, and generally granted by the courts if not done for an abusive purpose. Defendant's counsel's filed the motion simply to be vexatious. Their fees on this task should be denied.

4/15/26

SB Draft opposition for motion for leave to file (0.9-\$607.50)

4/17/26

JBC Review draft Opposition to File Late (0.2-\$112.20)

SB Draft oppositions to motion to strike and motion to file late (2.2-\$1,485.00) [not broken out by task]

SB Draft email to team re: Draft oppositions to motion to strike and motion to file late (0.2-\$135.00) [not broken out by task]

4/20/26

DK Telephone call w/ JBC re: opposition to motion to file out of time (0.1-\$93.30)

DK Text exchange w/ JBC re: request for corrections to filing (0.1-\$93.30)

DK Telephone call and email exchange w/ JBC re: corrections to filing (0.1-\$93.30)

JBC Conduct research re: motions deadlines (0.6-\$336.60)

JBC Telephone call w/ DSK re: opposition to file out of time (0.1-\$56.10)

JBC Implement DSK edits to same (0.3-\$168.30)

JBC Proofread same (0.8-\$448.80)

JBC File same (0.3-\$168.30)

JBC Implement corrections to filing (0.2-\$112.20)

JBC Telephone call and email exchange w/ DSK re: same (0.1-\$56.10)

JBC File updated opposition to motion to file out of time (0.3-\$168.30)

JCB Draft email DSK, LJB, and SCB re: accepted filing (0.1-\$56.10)

The May 18, 2026 Special Motion to Dismiss Merits Hearing

After all of the merits briefing was completed, Defendant's counsel continued billing at a staggering rate. For the period beginning on 5/11/26 until the motion hearing on 5/18/26, Defendant's submitted timesheets request 41.6 hours by Attorney Broad-Cavanaugh at \$561.10/hr (\$23,341.76), 39.4 hours at \$919/hr by Attorney Banks (\$36,208.60), and 0.7 hours by Attorney Barron at \$675/hr (\$472.50). In sum, Mr. Redd's counsel request \$60,022.86 for a claimed 81.7 hours of attorney time to prepare for a 45-minute hearing at which no witnesses were examined and the parties had already fully briefed the issues. This is the paradigm of egregious overlawyering. A reasonable amount of billable preparation for a hearing on legal issues without witnesses is three times the length of the hearing, and only the attorney who actually participated in the hearing should be compensated. *See Microsoft Corp. v. United Computer Resources of N.J., Inc.*, 216 F.Supp. 2d 383, 393-94 (D.N.J. 2002) (collecting cases). Accordingly, all of the time requested for Redd's attorneys to prepare for the hearing should be disallowed, except for 45 minutes for Attorney Banks, who was the attorney arguing the case, and another 2.25 hours to prepare.

Court May 5, 2026 Hearing Stating Its Order.

The Court held a virtual hearing on May 5, 2026 to announce its ruling on Defendant's motions, which had already been briefed and argued. No preparation whatsoever was required. Nonetheless, Defendant's counsel billed more than four hours on it, all of which should be disallowed.

6/5/26

DK Confer w/ LJB re: anti-SLAPP hearing (0.5-\$466.50)

JBC Prepare for anti-SLAPP hearing (3.7-\$2075.70)

JBC Confer w/ LJB re: same (0.2-\$112.20)

Dismissal Brief

In addition to its Anti-SLAPP brief, Defendant filed a motion to dismiss brief that was exactly the same as the second part of the Anti-SLAAP brief, arguing the Center's breach of contract claim had to be dismissed. Plaintiff did not file a second set of papers repeating exactly what was in the first brief. Defendant's counsel seek to be compensated for researching whether they should be rewarded for engaging in duplicative litigation. This request should be denied.

4/21/26

JBC Conduct research re: dismissal as sanction for failure to file opposition (1.2-\$673.20)

Counter-claims Research.

The petition seeks fees for research Defendant conducted for potential counter-claims. This is not authorized by the statute, which authorizes fees only "on a motion brought under § 16-5502 or § 16-5503 the costs of litigation. D.C. Code § 16-5504(a). Other claims are not involved in litigating an anti-SLAPP motion.

3/9/26

SBC research re: potential counterclaims (3.2-\$2160.00)

3/16/26

SBC Conduct research re: potential claims (2.4-\$1620.00)

Defendant's Counsel's Unethical Conduct Submitted Confidential Settlement Letters.

Defendant's counsels seek to be compensated for their research and briefing in which they filed confidential settlement offers with the Court as part of their Anti-SLAPP motion. Experienced, competent, and ethical counsel would have known that filing those letters with the Court was ethically dubious; all litigators know that settlement offers are presumptively

inadmissible. Despite conducting the research, Mr. Redd's counsel either (1) failed to discover the controlling law prohibiting its admission; or (2) discovered it and chose to ignore it. When presented with the controlling authority by Plaintiff's response brief, Defendant's counsel obfuscated and pretended they were not engaged in the prohibited conduct. The Court excluded the use of the letters. Mr. Redd is entitled to none of these hours.

3/23/26

JBC Conduct research re: admissibility of settlement correspondence (0.4-\$224.40)

3/26/26

JCB Conduct research re: using settlement offers as evidence (1.1-\$617.10)

JCB Draft email to DSK and LJB re: same (0.3-\$168.30)

4/14/2026

SB Draft opposition to motion to strike (0.9-\$607.50)

SB Meet w/ JBC re: Draft opposition to motion to strike (0.2-\$135.00)

SB Emails w/ team re: Draft opposition to motion to strike (0.3-\$202.50)

SB Conduct research re: motion to strike (1.5-\$1012.50)

4/17/26

SB Draft oppositions to motion to strike and motion to file late (2.2-\$1,485.00) [not broken out by task]

SB Draft email to team re: Draft oppositions to motion to strike and motion to file late (0.2-\$1,485.00) [not broken out by task]

SB Messages w JBC re: motion to strike (0.3-\$202.50)

Clerical & Paralegal Tasks

Fee petitions may not charge attorney rates for tasks that could have been performed by a paralegal or other clerical staff. *Rapu v. D.C. Public Sch.*, 793 F.Supp.2d 419, 427 (D.D.C. 2011); *Eamick v. Sec. of HHS*, 2020 WL 2467081 at *3 (Fed. Cl. April 10, 2020); *N.A. v. New York City Dept. of Ed.*, 2022 WL 17840273 at *9 (S.D.N.Y. Aug. 15, 2022). Under the 2025 Fitzpatrick Matrix, paralegals are noted at \$255/hr for complex federal litigation. To the extent the Court deems any of the following as compensable paralegal activity (which should not include re-filings required by the attorney's errors), the rate should be \$153/hr (60% of the Fitzpatrick recommendation) in light of the uncomplicated nature of the case and the tasks at issue.

3/6/26

JBC Pull case filings (0.1-\$56.10)

3/7/26

JBC Check docket and email and draft email to DK and LBJ (0.1-\$56.10)

3/11/26

JBC Download new docket filing and review (0.1-\$56.10)

3/25/26

JBC Prepare exhibits for motions to dismiss (0.2-\$112.20)

3/26/26

JCB Confer w/ SCB re: filing plan (0.1-\$56.10)

JBC Update exhibit citations and prepare exhibits to anti-SLAPP (1.3-\$729.30)

JBC Finalize exhibits to anti-SLAAP (0.5-\$280.50)

JBC Quality check updated anti-SLAPP citations (0.7-\$392.70)

SB Set up e-filing (0.2-\$135.00)

3/27/26

JBC File anti-SLAPP motion and motion to dismiss for failure to state a claim (0.5-\$280.50)

JBC Telephone call w/ Court admin re: status of filing (0.2-\$112.20)

JBC Confer w/ ASB re: status of filing (0.1-\$56.10)

JBC Confer w/ DSK and LJB re: status of filing (0.1-\$56.10)

JBC Distribute filings to client and KBK legal team (0.2-\$112.20)

JBC Review filings (0.3-\$168.30)

JBC Draft email to front desk re: mailing to Chambers hard copy of filings (0.2-\$112.20)

JBC Review email to front desk re: mailing to Chambers hard copy of filings (0.1-\$56.10)

SB Assist w/ filing (0.3-\$202.50)

5/4/26

JBC Prepare exhibits for anti-SLAPP motion (0.5-\$280.50)

JBC File Motion for Leave and Reply in support of anti-SLAPP (0.4-\$224.40)

5/5/26

JBC Draft email to Front Dest re: shipping hard copy of Reply in support of anti-SLAPP (0.1-\$56.10)

JBC Check Court docket and download accepted filings (0.1-\$56.10)

JBC Draft email to Front Dest re: shipping accepted filings (0.1-\$56.10)

JBC Confer w/ KMD re: shipping accepted filings (0.1-\$56.10)

JBC Prepare binder for LJB re: cases cited in anti-SLAPP pleadings (2.6-\$1458.60).

5/12/26

JBC Print binder for anti-SLAPP hearing (0.9-\$504.90)

JBC Print papers for hearing (0.4-\$224.40)

JCB File motion for extension of time for attorneys fees motion (0.3-\$168.30)

Media Relations

Media relations are not part of legal representation, and are not compensable under an attorney's fees provision. *In re Donovan*, 877 F.2d 982, 994 (D.C. Cir 1989); *LePage's 2000, Inc. v. Postal Regulatory Com'n*, 674 F.3d 862, 868 (D.C. Cir. 2012). All this time must be excluded.

3/7/26

LBJ telephone calls re: media coverage (0.2-\$183.80)

3/9/26

DK email w/ JBJ re: fact research and media coverage (0.1-\$93.30)

DK text exchange w/ JBJ re: fact research and media coverage (0.1-\$93.30)

JBC email exchange w/ ASB re: fact research re: plaintiffs and news coverage (0.1-\$56.10)

JBC email w/ DK re: fact research re: plaintiffs and news coverage (0.1-\$56.10)

3/26/26

JBC Confer w/ and message exchange w/ ASB re: media plan (0.1-\$56.10)

JBC Review draft ASB draft press release (0.3-\$168.30)

JBC Email exchange w/ ASB re: edits to press release (0.1-\$56.10)

SB Review draft press release (0.2-\$135.00)

SB Edit email to ASB re: press release (0.1-\$67.50)

DK Email exchange w/JBC re: edits to press release (0.1-\$93.30)

3/27/26

DB Contact w/ media (2.4-\$2239.20)

JBC Telephone call w/ C.Redd re: edits to press release (0.1-\$56.10)

JBC Email exchange w/ ASB, DSK, and LJB re: press release (0.1-\$56.10)

JCB Review media coverage of Defendant's dismissal motions (0.6-\$336.60)

JCB Confer w/ DSK and LJB re: edits to media coverage of Defendant's dismissal filings (0.1-\$56.10)

JCB Telephone call w/ ASB re: edits to media coverage of Defendant's dismissal filings (0.1-\$56.10)

JCB Prepare binder for LJB for media interview (0.8-\$448.80)

LJB Email exchange w/ JBC re: edits to press release (0.1-\$91.90)

LJB Confer w/ JBC re: edits to press release (0.1-\$91.90)

LJB Prepare for and do media interview (3.2-\$2940.80)

SB Meet w/ ASB and JBC re: filing and press (0.1-\$67.50)

5/14/26

JBC Draft email to client re: social media (0.1-\$56.10)

JBC Email exchange w/ client re: same (0.1-\$56.10)

JBC Telephone call w/ client re: same (0.2-\$112.10)

JBC Draft email to paralegals re; media research assignment (0.1-\$56.10)

JBC Confer w/ ASB re: same (0.1-\$56.10)

JBC Telephone call w/ ASB re: same (0.1-\$56.10)

JBC Review ASB email re: findings (0.3-\$168.10)

6/2/26

JBC Telephone call w/ C.Redd re: media outreach (0.1-\$56.10)

JBC Email exchange w/ DSK, LJB, and ASB re: same (0.1-\$56.10)

JBC Confer w/ DSK re: hearing and media outreach (0.1-\$56.10)

6/3/26

JBC Confer w/ ASB re: media strategy (0.1-\$561.10)

6/4/26

JBC Edit press releases drafted by ASB (1.1-\$617.10)

JBC Draft email to ASB re: same (0.1-\$56.10)

JBC Telephone call w/ ASB re: same (0.1-\$56.10)

6/5/26

JBC Edit draft press releases re: Court anti-SLAPP hearing (0.3-\$168.30)

JBC Review media coverage re: anti-SLAPP hearing (0.3-\$168.30)

JBC Email exchange w/ C.Redd re: media outreach (0.1-\$56.10)

JBC Telephone calls w/ C. Redd re: same (0.2-\$112.20)

JBC Text exchange w/ DSK and LJB re: same (0.1-\$56.10)

Congressional Statements Regarding the Case.

As with media relations, learning what Members of Congress may have opined about litigation is not part of the effort required to represent a party within that litigation. All the requested time must be excluded.

3/31/26

JBC Conduct research re: Congress statements re: Redd (0.2-\$112.20)

JBC Draft email to DBK re: research re: Congress statements re: Redd (0.1-\$56.10)

ANY FEE AWARD SHOULD BE REASONABLE & PROPORTIONAL TO LITIGATE THE CASE.

Defendant's counsel's outlandish fee and cost request deserves to be denied in its entirety. As the D.C. Circuit explained in *Reilly*, attorney abuses of fee shifting statutes must be deterred. If, however, the Court deems some award appropriate, it should reflect what a reasonable lawyer would have done when faced with a non-complicated, low stakes case such as this one. First,

Defendant would be entitled to the cost reimbursement for his filings and computer research in the amount of \$2,764.42 (the only reasonable request in his motion).

Second, a fifth year attorney could have handled this relatively uncomplicated case that involved virtually no discovery (declarations from two witnesses, and a handful of emails and contracts), and two legal issues (breach of contract, and Mr. Redd's Anti-SLAAP defense). As a non-complex case, rates at 75% of the Fitzpatrick Matrix would be applicable. *Rawlings v. District of Columbia*, 2025 WL 1432278 at *5-8 (D.D.C. May 19, 2025); *Muldrow v. Re-Direct, Inc.*, 397 F.Supp.2 1, 3-4 (D.D.C. 2005) (Matrix rates inappropriate for straightforward negligence case). For 2025, a fifth-year attorney gets \$639/hr; 75% of that is \$479/hr. Mr. Redd's motion and reply (24 pages of briefing, along with 4.5 pages of declarations supplemented by an additional 2 pages⁸), for a total of 30.5 pages. At one page an hour, that comes to \$14,609.50 for a fifth year. A senior attorney with 35+ years' experience at \$933/hr at 75% is \$699.75). At ten pages an hour, a senior attorney's review for three hours is \$2099.25. For the 45 minute hearing, the fifth-year attorney would get the 45 minutes + 3 times for prep, for a total of \$1916. Another three hours would be reasonable for managing all other aspects of the case, which would be \$1437.00. The total reasonable attorneys' fees award would be \$20,061.25. Indeed, twenty hours is what undersigned counsel expended on this case on the Center's behalf, which involved the exact same amount of research, briefing, and fact collection as Mr. Redd expended. That is the maximum fee that would be reasonable to award in this case.

⁸ See, e.g., *N.A.*, 2022 WL 17840273 at *9 (holding unreasonable 4.4 hours to prepare a six-page declaration for an attorney, who in turn spent 1.7 hours reviewing it).

Respectfully submitted,

/s/

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Counsel for Plaintiff

The John F. Kennedy Center for the Performing Arts

CERTIFICATE OF SERVICE

I certify the foregoing document was sent via ECF and email to all counsel of record in this matter on July 27, 2026.

/s/

Earl N. “Trey” Mayfield, III