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Superior Court
of the District of Columbia

SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

THE DONALD J. TRUMP AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS, Plaintiff, v. **CHARLES REDD,** Defendant.	**Case No.: 2026-CAB-001457** **Judge Tanya M. Jones Bosier** **Next Court Date: None Scheduled**

DEFENDANT'S MOTION FOR ATTORNEYS' FEES AND COSTS AND MEMORANDUM IN SUPPORT THEREOF

Defendant Charles Redd, through undersigned counsel, moves for an award of costs of litigation, including reasonable attorneys' fees, under the District of Columbia Anti-SLAPP Act, D.C. Code § 16-5504(a), and Superior Court Civil Rule 54(d). Defendant Redd is entitled to an award for costs and fees, as he prevailed in an Anti-SLAPP action and he respectfully asks the Court to order reasonable costs and attorneys' fees in an amount no less than $258,325.72, for the reasons set forth herein. *See* Affidavit of Lisa J. Banks in Support of Motion for Costs and Fees (June 25, 2026), attached and incorporated herein as Attachment 1, at ¶ 34 ("Banks Aff.").

Factual and Procedural Background

This lawsuit arises from Defendant Redd's decision not to perform at a free concert at the John F. Kennedy Center for the Performing Arts ("Plaintiff" or "the Kennedy Center") Millenium Stage on Christmas Eve 2025. Alarmed by what he believed to be an illegal decision to add "Donald J. Trump" to the Kennedy Center's name, Defendant Redd advised the Kennedy Center's contract administrator that he was uncomfortable performing and further explained to a reporter with the Associated Press that he chose not to perform "[w]hen I saw the name change on the Kennedy Center website and then hours later on the building …." *See* Am. Compl. at ¶¶ 9-12.

Plaintiff first filed its lawsuit against Defendant Redd on March 5, 2026, and one day later it filed an Amended Complaint. Plaintiff alleged that on November 23, 2025, Defendant Redd agreed to a written Artist Agreement Contract to perform at the Kennedy Center's Jazz Jam. *See* Am. Compl. at ¶ 6. Plaintiff alleged that Defendant Redd breached that contract and its morals clause when he "chose to abuse the public forum provided to him by the Center in order to make a political statement, and [] deprive the public of the concert he promised." *See id*. at ¶ 10.

On March 27, 2026, Defendant Redd filed both a Special Motion to Dismiss Pursuant to D.C. Code § 16-5502 (the "Special Motion to Dismiss") and a Motion to Dismiss for Failure to State a Claim (the "Rule 12(b)(6) Motion"). Plaintiff filed its Opposition to the Special Motion on April 13, 2026, Defendant Redd filed his Reply on May 4, 2026, and the Kennedy Center filed its Sur-Reply on May 15, 2026. The Kennedy Center did not file an opposition to the Rule 12(b)(6) Motion.

On May 18, 2026, at 2:00 PM, the Court held a hearing on Defendant Redd's Special Motion to Dismiss. During the hearing, the Court heard oral arguments from both parties, and the Court asked for supplemental filings from both parties with respect to certain fact questions. On May 26, 2026, Defendant Redd submitted his supplemental filing, and on June 3, 2026, the Kennedy Center submitted its supplemental filing.

On June 5, 2026, the Court held a hearing to issue its ruling. The Court held that Defendant Redd had made out a *prima facie* case that the speech at issue in this lawsuit was an act in furtherance of the right of advocacy on an issue of public interest, such that the Anti-SLAPP Act applied. The Court further held that Plaintiff had failed to meet its burden of establishing a likelihood that it would succeed on the merits of its claim. Having determined that the Anti-SLAPP Act applied and that Plaintiff could not establish a likelihood of success on the merits, the Court properly dismissed Plaintiff's claim. The Court further determined that Plaintiff's Amended Complaint failed to state a valid breach of contract claim and thus was subject to dismissal under D.C. Superior Court Rule of Civil Procedure 12(b)(6).

After the June 5, 2026, hearing, the Court memorialized its ruling in a written order. *See* Order Granting Defendant's Motions to Dismiss (June 5, 2026) (the "Order"). The Court instructed Defendant Redd to file an Affidavit of Attorneys' Fees for the Special Motion by June 18, 2026. *See id*. at p. 17. On June 15, 2026, Defendant Redd filed a motion consented to by Plaintiff requesting an extension to June 25, 2026, to file his Affidavit of Attorneys' Fees. On June 18, 2026, the Court granted Defendant Redd's unopposed motion.

<u>Argument</u>

I. As a prevailing defendant under the Anti-SLAPP Act, Defendant Redd is entitled to the costs of litigation, including reasonable attorneys' fees.

The Anti-SLAPP Act "guard[s] against 'lawsuits … aimed to punish or prevent the expression of opposing points of view.'" *Jacobson v. Clack*, 309 A.3d 571, 577 (D.C. 2024) (citing D.C. Council, Comm. on Pub. Safety and the Judiciary, Rep. on Bill 18-893, at p. 1 (Nov. 18, 2010)). Recognizing that defendants must devote "substantial[] amount[s] of time, money, and resources" to respond to even a meritless lawsuit, the D.C. Council provided for the Court to award "the costs of litigation, including reasonable attorney fees" to a defendant who prevails on a special motion to dismiss. D.C. Code § 16-5504; *see also* Rep. on Bill 18-893 at pp. 1, 8.

The Anti-SLAPP Act requires that a successful movant is "presumptively entitled to a fee award." *Jacobson*, 309 A.3d at 578 (internal citations omitted). This entitlement to fees is modeled after the fee-shifting provisions of federal civil rights laws. *See Doe v. Burke*, 133 A.3d 569, 577

(D.C. 2016). The presumptive award of fees to the moving party who prevails on a special motion to dismiss furthers the D.C. Council's purpose to make SLAPP defendants whole for their costs defending meritless lawsuits and to offset the chilling effect of such litigation. *Id*. at 577. The fee award operates as a "financial lev[y] to deter a SLAPP plaintiff." *Competitive Enter. Inst. v. Mann*, 150 A.3d 1213, 1238 (D.C. 2016).

Under the Anti-SLAPP Act, a moving party who prevails on a special motion to dismiss "should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Burke,* 133 A.3d at 577 (quoting *Newman v. Piggie Park Enters.*, 390 U.S. 400, 402 (1968)). The moving party who prevails on a special motion to dismiss is entitled to fees associated with the "costs of litigation," not merely "the costs incurred in connection with a 'discrete event' in the litigation." *Khan v. Orbis Bus. Intel. Ltd.*, 292 A.3d 244, 262 (D.C. 2023) (quoting D.C. Code § 16-5504(a)); *see also Jacobson v. Clack*, 309 A.3d 571, 585 (D.C. 2024) (holding that "post-trial motions and appeals are quite clearly part of the litigation"). Such "costs of litigation" include "the reasonable expenses incurred in the recovery of its original costs and fees." *Khan*, 292 A.3d at 262-63.

II. The attorney fees and expenses sought by Defendant Redd are reasonable.

Defendant Redd seeks fees and costs associated with the time spent by his legal team and the expenses incurred in litigating the anti-SLAPP suit. Banks Aff. at ¶¶ 21, 33. The Superior Court has "considerable discretion in determining the amount of attorneys' fees." *Fred A. Smith Mgmt. Co. v. Cerpe*, 957 A.2d 907, 918 (D.C. 2008) (addressing a fee award under the D.C. Human Rights Act). The general method for exercising this discretion is the lodestar method. The court determines a lodestar amount by "multiplying the number of hours reasonably expended on the litigation by the reasonable hourly rate for the services rendered." *Id.* (internal quotation marks omitted). Here, Defendant Redd seeks a fee award of $255,641.30 based on the hours expended multiplied by the reasonable hourly rates for each of the attorneys who performed work on a particular matter in the case. *See* Banks Aff. at ¶ 21. Defendant Redd also seeks $2,684.42 in costs based on the expenses incurred in defense of this lawsuit. *See* Banks Aff. at ¶ 33.

A. Reasonable hours expended.

The Banks Affidavit and attached contemporaneous billing records provide a detailed accounting of the hours spent on this litigation. The time expended by each member of Defendant Redd's legal team at each stage of this litigation was reasonable. Specifically, the affidavit details the significant time spent on (a) the successful Special Motion to Dismiss and associated filings, including preparing for and attending the two hearings on the Special Motion to Dismiss; and (b) this motion for attorneys' fees and costs. *See* Banks Aff. at ¶¶ 21-29.

In this case, the reasonable attorneys' fees have been calculated by reference to the contemporaneous time records and are the product of considerable billing judgment. *See* Banks Aff. at ¶¶ 18-20; *Hensley v. Eckerhart*, 461 U.S. 424, 441 (1983) (Burger, C.J., concurring). "It is not necessary to know the exact number of minutes spent nor the precise activity to which each hour was devoted nor the specific attainments of each attorney." *Tenants of 710 Jefferson St. v. D.C. Rental Hous. Comm'n*, 123 A.3d 170, 187 (D.C. 2015) (quoting *Copeland v. Marshall*, 641 F.2d 880, 891 (D.C. Cir. 1980)). Where a fee applicant has exercised billing judgment, courts should avoid engaging "in a detailed line-by-line analysis of the fee petition and the voluminous file . . . to determine, like a quasi-management consultant, if plaintiffs' counsel could have accomplished particular tasks or pleadings more efficiently." *Save Our Cumberland Mountains, Inc. v. Hodel*, 651 F. Supp. 1528, 1532 (D.D.C. 1986), *aff'd in relevant part*, 826 F.2d 43, 51-52 (D.C. Cir. 1987) (*en banc*). Courts should accord some deference to counsel's judgment on the amount of time they considered necessary to prepare and pursue the case. *See Commonwealth of Puerto Rico v. Heckler*, 745 F.2d 709, 714 (D.C. Cir. 1984); *Nat'l Ass'n of Concerned Veterans v. Sec'y of Defense*, 675 F.2d 1319, 1338 (D.C. Cir. 1982) (Tamm, J., concurring).

Counsel for Defendant Redd has made a good faith evaluation of the contemporaneous records to exclude hours that are arguably duplicative, excessive or unnecessary. *See* Banks Aff. at ¶ 22; *Hensley*, 461 U.S. at 434. As a result of those efforts, counsel has reduced by approximately 10% the amount of time dedicated to the case for which Defendant Redd is seeking compensation; the value of that time for which no compensation is sought is $28,581.40. *See* Banks Aff. at ¶¶ 20-21. Where counsel has exercised billing judgment, as Defendant has done here, caution should be exercised in making further downward adjustments to the hours claimed. *See Tenants of 710 Jefferson St.*, 123 A.3d at 188-91 (reversing and holding that the D.C. Rental Housing Commission abused its discretion when it cut time after counsel for Legal Aid exercised billing judgment by eliminating hours expended in its fee request).

Broken out by attorney, Defendant seeks compensation for the following hours reasonably dedicated to the case:

Lisa J. Banks	66.20 hours
Debra S. Katz	49.60 hours
Susanna Barron	22.9 hours
Jesse Broad-Cavanagh	237.20 hours

The number of hours for which compensation is sought was arrived at after the exercise of considerable billing judgment, thus no claim is made for the following hours dedicated to the case by the following legal professionals:

Lisa J. Banks	.2 hours
Debra S. Katz	8.9 hours
Susanna Barron	22.7 hours
Jesse Broad-Cavanagh	.9 hours
Sarah Nesbitt	6.1 hours

Julia Leney 1.9 hours

The hours cut include (1) all time spent on this matter prior to March 6, 2026, the day Plaintiff filed its Amended Complaint;[1] (2) all time spent on the successful Rule 12(b)(6) Motion; (3) all time incurred on this matter by attorneys and paralegals other than Lisa J. Banks, Debra S. Katz, Susanna Barron, and Jesse Broad-Cavanagh; and (4) duplicative time (*e.g.*, all meetings with multiple associates or multiple partners are billed as if attended by only one associate and one partner). *See* Banks Aff. at ¶ 21.

B. Reasonable hourly rate.

The reasonable hourly rate is determined by reference to the "prevailing market rates in the relevant community for attorneys of similar experience and skill." *Vining v. D.C.*, 198 A.3d 738, 754 n. 19 (D.C. 2018). The prevailing market rate for the D.C. area is set forth in the Fitzpatrick Matrix (formerly the "Laffey Matrix") that establishes reasonable market rates for attorneys in fee-shifting matters in the District of Columbia. *See* Banks Aff. at ¶¶ 14-17. Those measures of market rates establish firmly that the rates sought herein fall comfortably within the market rates for legal services for the representation at issue in this case. *Id*.

The Fitzpatrick Matrix is maintained by the U.S. Attorneys' Office for D.C. and represents the hourly rates that the U.S. Department of Justice deems reasonable. *See* Banks Aff. at ¶ 16. The Court of Appeals has determined that the Laffey Matrix, the U.S. Attorney's Office's predecessor to its current Fitzpatrick Matrix, is "presumptively reasonable," and the successor Fitzpatrick Matrix has also been recognized as presumptively reasonable. *Tenants of 710 Jefferson St. v. D.C. Rental Hous. Comm'n*, 123 A.3d 170, 185-186 (D.C. 2015); *Dist. of Columbia v. EADS*

[1] Counsel for Defendant Redd billed 4.4 hours preparing for this litigation prior to March 6, 2026, because Plaintiff publicly threatened to sue Defendant Redd for one million dollars in December 2025. *See* Special Motion to Dismiss, at p. 5.

LLC, No. 2018 CA 005830 B, 2024 WL 3445767, at *8 (D.C. Super. Ct. June 20, 2024) (finding Fitzpatrick Matrix presumptively reasonable as successor to Laffey Matrix and citing *Bracket v. Mayorkas*, No. 17-988 (JEB), 2023 U.S. Dist. LEXIS 139037, *6, *17 (D.D.C. Aug. 9, 2023)). Under the Fitzpatrick Matrix, the most recent rates range from $255/hour for paralegal time to $933/hour for attorneys with 35 or more years of experience. *See* Banks Aff. at ¶ 16.

The rates claimed in this fee petition are identical to the Fitzpatrick Matrix and therefore align with the broadly accepted market rates for legal services in D.C. *See* Banks Aff. at ¶¶ 14, 17.

C. Expenses

Defendant Redd also seeks an award of $2,684.42 in expenses incurred in defense of this litigation, the largest portion of which ($2,604.42) is associated with computerized legal research costs. *See* Banks Aff. at ¶¶ 32-33. The U.S. Court of Appeals for the D.C. Circuit long has accepted that the costs of electronic legal research are properly part of a fee award, as those services save money by making work more efficient. *See Role Models. Am., Inc. v. Brownlee*, 352 F.3d 962, 976 (D.C. Cir. 2004). The expenses also include $80 in filing costs. *See* Banks Aff. at ¶ 32.

Conclusion

For the reasons described above, Defendant Redd respectfully requests that this Court order Plaintiff to pay the costs of litigation, including attorney fees, in an amount no less than $258,325.72.

Respectfully submitted,

By: /s/ Lisa J. Banks___________
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Dated: June 25, 2026

CERTIFICATE OF SERVICE

This is to certify that on June 25, 2026, a true and accurate copy of the foregoing document was served on counsel of record through the Court's E-filing system.

/s/Lisa J. Banks___

Lisa J. Banks