

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LAVONDA JONES,
Parent and Next Friend of D.T., a minor,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 15-155 (BAH)
Judge Beryl A. Howell

MEMORANDUM AND ORDER

The plaintiffs, Lavonda Jones and her minor child, brought this action against the District of Columbia seeking a total of \$45,628.40 in attorneys' fees incurred pursuing an administrative proceeding brought under the Individuals with Disabilities in Education Act and Individuals with Disabilities in Education Improvement Act (collectively, the "IDEA"), 20 U.S.C. § 1400, *et seq.* The case was randomly referred to a Magistrate Judge for full case management. *See* Referral to Magistrate Judge, ECF No. 3. Thereafter, the parties cross-moved for summary judgment. *See* Pl.'s Mem. Supp. Mot. Summ. J., ECF No.10; Def.'s Mem. Supp. Cross-Mot. Summ. J. & Opp'n Pl.'s Mot. Summ. J. ("Def.'s Mot."), ECF No. 13.

On July 27, 2015, the Magistrate Judge issued a Report recommending that the plaintiffs' Motion for Summary Judgment be granted and the defendant's Cross-Motion for Summary Judgment be denied. *See* Report and Recommendation ("R&R") at 2, ECF No. 18. Of the more than \$45,000 in fees requested, the R&R explained that the District contested only

\$653.025 in entries invoiced in quarter-hour increments. *Id.* at 10.¹ The plaintiffs readily admitted that the entries invoiced in quarter-hour increments were typographical errors and proposed reducing the fee request further “as contrition for this small error.” R&R at 10. Citing relevant authority, the R&R concluded that this reduction was unnecessary, recommended that entries billed to the quarter-hour not be stricken, and admonished the plaintiffs’ counsel that future timesheets must reflect billing entries in six-minute increments. *Id.* at 10–11.

Consequently, the R&R recommended that the plaintiffs’ Motion for Summary Judgment be granted and the Defendant’s Cross-Motion for Summary Judgment be denied. The R&R further recommended that the plaintiffs be awarded total fees in the amount of \$45,272.77. *Id.* at 11.

The Court takes note of, and concurs in, the Magistrate Judge’s observation that the District’s “[q]uarreling over eleven minutes out of 132.62 hours billed—especially in light of the fact that [the plaintiffs] appeared willing to waive those disputed minutes—is beyond comprehension.” *Id.* at 11. Indeed, with little more than the cost of the filing fee at stake, the District’s decision to pursue this matter to resolution defies easy explanation.

The R&R cautioned the parties that failing to file a timely objection within 14 days of the party’s receipt of the R&R, could result in their waiving the right to appeal an order of the District Court adopting the recommendations. *See id.* at 12. No objection to the R&R has been timely filed, and the time to file such an objection has lapsed, *see* Local Civil Rule 72.3(b), and thus, any objections are deemed waived. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149–55 (1985).

The Court, upon independent consideration of the pending motions and the entire record herein, concurs with the recommendations made in the R&R. Accordingly it is hereby

¹ The District initially contested an additional \$379.62 in overbilling resulting from a discrepancy in the hourly rate that the plaintiffs’ attorney applied for entries between January 2014 and May 2014, R&R.at 1 n.1, 10. In their response, the plaintiffs conceded and agreed to reduce their request for fees to \$45,272.77. *Id.* at 10.

ORDERED that the Report and Recommendation, ECF No. 18, is ADOPTED in full;
and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, the
Plaintiffs' Motion for Summary Judgment, ECF No. 10, is GRANTED; and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, the
Defendant's Cross-Motion for Summary Judgment, ECF No. 12, is DENIED; and it is further

ORDERED that, for the reasons stated in the Report and Recommendation, the
defendant pay the plaintiffs' attorneys' fees in the amount of \$45,272.77 by September 16, 2015,
unless the parties reach an alternative mutually agreeable date.

SO ORDERED.

Date: August 18, 2015

BERYL A. HOWELL
United States District Judge