

The Honorable Richard A. Jones  
United States District Judge

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

B.H., M.A., A.S.D., M.F., H.L., L.M.M.M., B.M.,  
G.K., L.K.G., and D.W.,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW; Janet  
NAPOLITANO, Secretary, Department of  
Homeland Security; Alejandro MAYORKAS,  
Director, U.S. Citizenship and Immigration  
Services; Eric H. HOLDER, Jr., Attorney General  
of the United States; Juan OSUNA, Director,  
Executive Office for Immigration Review,

Defendants.

Case No. 2:11-cv-02108 R.A.J.

STIPULATED MOTION FOR PAYMENT  
OF COSTS AND ATTORNEYS' FEES

NOTED ON MOTION CALENDAR:  
September 26, 2013

1 Pursuant to Fed. R. Civ. P. 23(h) and 54(d)(2), the parties file this stipulated motion for the  
2 payment of attorneys' fees and costs to Plaintiffs. The parties have agreed to a payment of \$425,000  
3 in attorneys' fees and costs, as noted in the Settlement Agreement at 5, Section II.B.4 (Attorney's  
4 Fees and Costs).

5 Exhibit A contains documents Plaintiffs' counsel provided to Defendants, detailing the basis  
6 for Plaintiffs' request for a payment of legal fees through November 2012. This documentation  
7 reflects fees in excess of the \$425,000 figure the parties ultimately agreed upon.<sup>1</sup>

8 The key consideration in determining the appropriate fees under Federal Rule of Civil  
9 Procedure 23 is "reasonableness." The Ninth Circuit has prescribed the following factors to be  
10 considered in the balancing process required in a determination of the reasonableness of attorney  
11 fees:

(1) the time and labor required, (2) the novelty and difficulty of the  
12 questions involved, (3) the skill requisite to perform the legal service  
13 properly, (4) the preclusion of other employment by the attorney due  
14 to acceptance of the case, (5) the customary fee, (6) whether the fee is  
15 fixed or contingent, (7) time limitations imposed by the client or the  
16 circumstances, (8) the amount involved and the results obtained, (9)  
17 the experience, reputation, and ability of the attorneys, (10) the  
"undesirability" of the case, (11) the nature and length of the  
18 professional relationship with the client, and (12) awards in similar  
19 cases. *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th  
20 Cir.1975).

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22 <sup>1</sup> The parties reached no agreement on the reasonableness of the rates or the number of hours  
23 included in the documentation, but Defendants recognize that counsel for Plaintiffs have continued  
24 to accumulate hours since they submitted that documentation. Ultimately, considering the reduction  
in the amount requested, the parties concluded that the total amount of the payment is fair and  
reasonable.

1 Applying those factors to the fee documentation the Parties provide in Exhibit A – especially  
2 in light of the complexity of this matter, the fact that it is a nationwide class action, the amount of  
3 time that counsel for all parties dedicated to this matter, the negotiated settlement that includes a  
4 dramatic reduction in the fees Plaintiffs originally sought, and the fact that the Court has seen no  
5 objection to the payment amount – the parties’ respectfully request that the Court should conclude  
6 that \$425,000 represents a reasonable payment to Plaintiffs’ counsel.

7 DATED: September 26, 2013

Respectfully submitted,

8 /s/Christopher Strawn  
9 Matt Adams #28287  
10 Christopher Strawn #32243  
11 NORTHWEST IMMIGRANT  
12 RIGHTS PROJECT  
13 615 2nd Avenue, Suite 400  
14 Seattle, WA 98104  
15 (206) 587-4009 ext. 111  
16 (206) 587-4025 (Fax)  
17 [matt@nwirp.org](mailto:matt@nwirp.org)  
18 [chris@nwirp.org](mailto:chris@nwirp.org)

14 Melissa Crow  
15 Mary Kenney  
16 Emily Creighton  
17 AMERICAN IMMIGRATION COUNCIL  
18 1331 G Street NW, Suite 200  
19 Washington, DC 20005  
20 (202) 507-7512  
21 (202) 742-5619 (Fax)  
22 [mcrow@immcouncil.org](mailto:mcrow@immcouncil.org)  
23 [mkenney@immcouncil.org](mailto:mkenney@immcouncil.org)  
24 [ecreighton@immcouncil.org](mailto:ecreighton@immcouncil.org)

20 Robert H. Gibbs  
21 Robert Pauw  
22 GIBBS HOUSTON PAUW  
23 1000 Second Avenue, Suite 1600  
24 Seattle, WA 98104  
(206) 224-8790, (206) 689-2270 (Fax)  
[rgibbs@ghp-law.net](mailto:rgibbs@ghp-law.net)  
[rpauw@ghp-law.net](mailto:rpauw@ghp-law.net)

24 B.H. v. USCIS, Case No. 2:11-cv-02108RAJ  
Stipulated Mot. for Atty’s Fees - 3 -

**NORTHWEST IMMIGRANT RIGHTS PROJECT**  
**615 SECOND AVE., STE. 400**  
**SEATTLE, WA 98104**  
**TELEPHONE (206) 957- 8611**  
**FAX (206) 587-4025**

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Iris Gomez  
MASSACHUSETTS LAW REFORM  
INSTITUTE  
99 Chauncy Street, Suite 500  
Boston, MA 02111  
(617) 357-0700 x. 331, (617) 357-0777 (Fax)  
[igomez@mlri.org](mailto:igomez@mlri.org)

Attorneys for Plaintiffs

STUART F. DELERY  
Assistant Attorney General  
Civil Division

DAVID J. KLINE  
Director

COLIN A. KISOR  
Deputy Director

*/s/ J. Max Weintraub*  
J. MAX WEINTRAUB  
Senior Litigation Counsel  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
District Court Section  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
Phone: (202) 305-7551  
Fax: (202) 305-7000  
Email: [jacob.weintraub@usdoj.gov](mailto:jacob.weintraub@usdoj.gov)

Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 26, 2013, I electronically filed the foregoing Stipulated Motion  
3 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to  
4 the following:

5 J. Max Weintraub  
6 US DEPARTMENT OF JUSTICE  
7 PO BOX 868  
8 BEN FRANKLIN STATION  
9 WASHINGTON, DC 20044  
10 202-305-7551  
11 Email: jacob.weintraub@usdoj.gov

12 and

13 Priscilla To-Yin Chan  
14 US ATTORNEY'S OFFICE (SEA)  
15 700 STEWART ST  
16 STE 5220  
17 SEATTLE, WA 98101-1271  
18 206-553-7970  
19 Email: Priscilla.Chan@usdoj.gov

20 Dated: September 26, 2013

21 /s/ Christopher Strawn  
22 Christopher Strawn, WSBA No. 32243  
23 Northwest Immigrant Rights Project  
24 615 Second Ave. Suite 400  
Seattle, WA 98104  
Phone: 206-957-8628  
Fax: 206-587-4025