

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION

MICHAEL E. MANN, PH.D.,

Plaintiff,

v.

NATIONAL REVIEW, INC., *et al.*,

Defendants.

Case No. 2012 CA 008263 B

Judge Alfred S. Irving, Jr.

Defendant Mark Steyn's Submission on the Amount of Fees and Costs to be Awarded as a Sanction for Plaintiff's Bad-Faith Trial Misconduct and Supporting Documentation

H. Christopher Bartolomucci
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Justin A. Miller (*pro hac vice*)
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Counsel for Defendant Mark Steyn

Background

On March 12, 2025, this Court granted Defendant Mark Steyn’s motion for sanctions and sanctioned Plaintiff Michael Mann for his bad-faith trial misconduct and that of his counsel. *See* Order Granting in Part Defs.’ Mot. for Sanctions at 45 (“Sanctions Order”). The Court instructed Mr. Steyn to file “all necessary materials in support of the fees and costs awarded” in the Sanctions Order. The Declaration of H. Christopher Bartolomucci in Support of Award of Attorney’s Fees and Costs is attached hereto.

Laffey Matrix Rates

“[T]he appropriate means to determine reasonable attorneys’ fees is for the trial court to determine first the so-called lodestar—the number of hours reasonably expended by counsel multiplied by a reasonable hourly rate[.]” *Campbell-Crane & Assocs., Inc. v. Stamenkovic*, 44 A.3d 924, 947 (D.C. 2012) (quotation marks omitted). In a recent order awarding attorney’s fees to National Review, this Court calculated fees using rates from the *Laffey* matrix. *See* Am. Order Granting in Part National Review Inc.’s Mot. for Attys’ Fees & Suppl. Mot. for “Fees on Fees” at 8–9 (Jan. 7, 2025) (“Am. Order”). This Court should use *Laffey* rates here as well.

“‘The Laffey Matrix is a fee schedule of hourly rates for attorneys practicing in the District of Columbia, broken down by years of experience,’ compiled by the local United States Attorney’s Office and updated annually[.]” *C.C. v. G.D.*, 320 A.3d 277, 312 n.28 (D.C. 2024) (quoting *Tenants of 710 Jefferson St., N.W. v. D.C. Rental Hous. Comm’n*, 123 A.3d 170, 182 (D.C. 2015)). “*Laffey* matrix rates are presumptively reasonable.” *Nwaneri v. Quinn Emanuel Urquhart & Sullivan, LLP*, 250 A.3d 1079, 1086 (D.C. 2021). “The Court of Appeals ... has repeatedly approved the use of such rates to ‘calculate the lodestar for attorneys’ fees in private litigation.’” Am. Order at 9 (quoting *Tenants*, 123 A.3d at 182). “The Court uses the *Laffey* matrix as its

preferred standard for assessing a reasonable amount of attorneys' fees based on the attorney's experience." *The Westchester Corp. v. Caesar*, No. 2016 CA 006766 B, 2022 WL 16855600, at *1 (D.C. Super. Ct. Sept. 7, 2022) (citing *Campbell-Crane*, 44 A.3d at 947). The current *Laffey* matrix is attached as Exhibit 2 to the Bartolomucci Declaration.

Amount of Attorney's Fees and Costs to be Awarded to Mr. Steyn

This Court awarded attorney's fees for 3.6 hours of trial time: 2.1 hours on January 29; 1.0 hours on January 31; and 0.5 hours February 7, 2024. *See* Sanctions Order at 43–44.¹ Mr. Bartolomucci and another attorney, Justin Miller, represented Mr. Steyn at trial, including on those dates. *See* Bartolomucci Decl. ¶ 13. Under the *Laffey* matrix, the hourly rates for Mr. Bartolomucci and Mr. Miller for the relevant time period in early 2024 are \$1,057 and \$538, respectively. *See* Bartolomucci Decl., Ex. 2. At that time, Mr. Bartolomucci had been out of law school more than 30 years, and Mr. Miller had had been out of law school more than five years. *See* Bartolomucci Decl. ¶¶ 5–6. Thus, **\$5,742.00** should be awarded for the 3.6 hours.

This Court also awarded fees for time spent preparing Mr. Steyn's motion for sanctions. *See* Sanctions Order at 44. Mr. Bartolomucci spent 5.0 hours preparing the motion—2.5 hours on January 31 and 2.5 hours on February 1. *See* Bartolomucci Decl., Ex. 1. Mr. Miller spent 6.9 hours preparing the motion on January 31. *Id.* A third attorney, Aaron Gordon, performed 2.6 hours of work on the motion on January 31. *Id.* Senior Paralegal Kristina Robinson performed 3.2 hours of work on the motion on February 1. *Id.* Under the *Laffey* matrix, the rates for Mr. Bartolomucci and Mr. Miller are as above, and the rates for Mr. Gordon and Ms. Robinson for the relevant time period in early 2024 are \$538 and \$239, respectively. *See* Bartolomucci Decl., Ex. 2. At that time, Mr. Gordon had had had been out of law school more than four years. *See*

¹ The minutes of trial time as calculated by the Court have been converted to tenths of an hour.

Bartolomucci Decl. ¶ 7. Thus, **\$11,160.80** should be awarded for time spent preparing the motion for sanctions.

This Court also awarded the cost of filing the sanctions motion. *See* Sanctions Order at 44. The filing fee for filing the motion was \$20.00, and the service fee for filing the motion was \$6.00, for a total of **\$26.00**. *See* Bartolomucci Decl. ¶ 14; Decl. Ex. 3.

Accordingly, Mr. Steyn requests an award of **\$16,902.80** in fees and **\$26.00** in costs pursuant to the Sanctions Order.

Fees on Fees

The Court should also award attorney’s fees for the time spent preparing this fee submission. “The law is well established that, when fees are [awarded to a] party, that party may also be awarded fees on fees, *i.e.*, the reasonable expenses incurred in the recovery of its original costs and fees.” *Gen. Fed’n of Women’s Clubs v. Iron Gate Inn, Inc.*, 537 A.2d 1123, 1129 (D.C. 1988). *Accord* Am. Order at 25. “A supplemental request for the additional fees and costs reasonably incurred to recover the initial award does not normally require an additional showing of entitlement.” *Khan v. Orbis Bus. Intel. Ltd.*, 292 A.3d 244, 263 (D.C. 2023). “No matter what the purpose of an attorney’s fee [award] ... the availability of ‘fees for fees’ is essential to carrying out [the] goal [of awarding fees] ... in the first place.” *Am. Fed’n of Gov’t Emps. v. FLRA*, 994 F.2d 20, 22 (D.C. Cir. 1993). In its order awarding fees to National Review, this Court awarded “fees on fees” using *Laffey* rates. *See* Am. Order at 25–29. The Court should award such fees based on *Laffey* rates here as well.

Mr. Bartolomucci spent 8.0 hours preparing this submission and his declaration, while Mr. Miller spent 0.8 hours and Ms. Robinson spent 4.1 hours. *See* Bartolomucci Decl., Ex. 1. Applying *Laffey* rates for the March 2025 time period—*i.e.*, \$1,141 for Mr. Bartolomucci, \$581

for Mr. Miller, and \$258 for Ms. Robinson—the Court should award **\$10,650.60** for preparing this submission.

Conclusion

For the foregoing reasons, this Court should award \$16,902.80 in attorney’s fees and \$26.00 costs to Defendant Steyn to sanction the bad-faith trial misconduct of Plaintiff Mann and his counsel. The Court should also award \$10,650.60 in fees on fees. Accordingly, the total amount of fees and costs this Court should award is \$27,579.40.

Dated: March 26, 2025

Respectfully submitted,

s/ H. Christopher Bartolomucci

H. Christopher Bartolomucci

D.C. Bar No. 453423

Justin A. Miller (*pro hac vice*)

D.C. Bar No. 90022870

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Counsel for Defendant Mark Steyn

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2025, I caused a copy of the foregoing, and all accompanying papers, to be served by eFileDC upon the following:

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/s/ H. Christopher Bartolomucci
H. Christopher Bartolomucci

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
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MICHAEL E. MANN, PH.D.,

Plaintiff,

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Judge Alfred S. Irving, Jr.

**DECLARATION OF H. CHRISTOPHER BARTOLOMUCCI
IN SUPPORT OF AWARD OF ATTORNEY’S FEES AND COSTS**

I, H. Christopher Bartolomucci, hereby attest as follows:

1. I am a partner at the law firm of Schaerr | Jaffe LLP (“Schaerr Jaffe”). The firm and I represent Defendant Mark Steyn in this matter.

2. I make this declaration in support of the award of attorney’s fees and costs to Mr. Steyn as a sanction for the bad-faith trial misconduct of Plaintiff Michael Mann and his counsel.

3. I have personal knowledge of the facts stated herein, and if I were called as a witness I could and would testify competently thereto.

4. Pursuant to this Court’s Order Granting in Part Defendants’ Motions for Sanctions (Mar. 12, 2025) (“Sanctions Order”), attorney’s fees are sought for time spent and work performed by four Schaerr Jaffe timekeepers—myself, attorneys Justin A. Miller and Aaron S. Gordon, and by Senior Paralegal Kristina L. Robinson.

5. I received a B.A. in 1989 from Dartmouth College and a J.D. in 1992 from Harvard Law School, where I served on the *Harvard Law Review*. After law school, I clerked for Judge William L. Garwood of the U.S. Court of Appeals for the Fifth Circuit. I have been engaged in the private practice of law, or in government service as a lawyer, in the Washington, D.C. area for

more than 30 years. My government service includes service in the Solicitor General's Office of the U.S. Department of Justice, a Special Committee of the U.S. Senate, the Office of the Inspector General of the District of Columbia, and the White House Counsel's Office. I have been a partner at Schaerr Jaffe since 2020. I am a member of the D.C. Bar.

6. Mr. Miller received his B.A. in 2016 and his J.D. in 2019 from Brigham Young University, where he served on the *BYU Law Review*. After law school, he clerked for Judge Andrew L. Brasher on the U.S. Court of Appeals for the Eleventh Circuit and the U.S. District Court for the Middle District of Alabama, from 2019 to 2021. Following his clerkships, he worked in private practice in Birmingham, Alabama for more than two years. He joined Schaerr Jaffe as an Associate in 2023. Mr. Miller is a member of the D.C. Bar.

7. Mr. Gordon received his B.A. in 2017 from Northwestern University and his J.D. in 2020 from Yale Law School, where he served on the *Yale Law & Policy Review*. After law school, he clerked for Justice Jimmy Blacklock of the Texas Supreme Court and Judge Don R. Willett of the U.S. Court of Appeals for the Fifth Circuit, from 2021 to 2022. Following his clerkships, he joined Schaerr Jaffe as an Associate in 2022. Mr. Gordon is a member of the D.C. Bar.

8. Ms. Robinson received her B.A. from the University of Hartford. She has been employed by law firms as a paralegal since 1991. She joined Schaerr Jaffe as a Senior Paralegal in 2021.

9. Schaerr Jaffe maintains computerized records of the time spent by attorneys and staff in connection with its representation of Mr. Steyn. At relevant times, the firm required its timekeepers to record their billable time as it was performed into an electronic billing system called Clio. Timekeepers are required to contemporaneously record the amount of time spent on a

particular task and a detailed description of the work performed. Schaerr Jaffe's usual and customary billing policies and procedures, as generally described above, were applicable to this matter at the time the work was performed. Here, Schaerr Jaffe attorneys and staff recorded time in six-minute increments (i.e., a tenth of an hour, or 0.1).

10. I have personally reviewed Schaerr Jaffe's time entries in this matter and the costs incurred by the firm, and in my judgment the time entries were fair and reasonable for the work performed, and the costs were necessarily and unavoidably incurred.

11. Attached hereto as Exhibit 1 is a table of the trial time for which the Court awarded attorney's fees in its Sanctions Order of March 12, 2025, as well as true and correct entries of other time for which fees are sought.

12. Attached hereto as Exhibit 2 is a true and correct copy of the *Laffey* matrix, which may be accessed at <http://www.laffeymatrix.com/see.html>.

13. This Court awarded attorney's fees for 3.6 hours of trial time (converting the minutes as calculated by the Court to tenths of hours) on January 29, January 31, and February 7, 2024. *See* Sanctions Order at 43–44. Mr. Miller and I represented Mr. Steyn at trial, including on those dates.

14. A total of \$26.00 in costs were incurred for filing, on February 1, 2024, Defendant Mark Steyn's Motion for Sanctions for Bad-Faith Trial Misconduct. The filing fee for filing the motion was \$20.00, and the service fee for filing the motion was \$6.00. These fees were paid to the Superior Court of the District of Columbia. Attached hereto as Exhibit 3 is a true and correct copy of the filing payment receipt.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 26, 2025

Respectfully submitted,

s/ H. Christopher Bartolomucci

H. Christopher Bartolomucci

D.C. Bar No. 453423

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Counsel for Defendant Mark Steyn

EXHIBIT 1

Fees for Trial Time & Preparation of Motion for Sanctions					
Timekeeper	Date	Description	Hours	Laffey Rate	Total
Christopher Bartolomucci	01/29/24	“Time for Mr. Fontaine’s redirect examination of Dr. Mann” [3/12/25 Order at 43]	1.2	\$1,057	\$1,268.40
Justin Miller	01/29/24	“Time for Mr. Fontaine’s redirect examination of Dr. Mann” [3/12/25 Order at 43]	1.2	\$538	\$645.60
Christopher Bartolomucci	01/29/24	“Time for Ms. Weatherford’s recross examination of Dr. Mann, and Mr. Fontaine’s single-question re-redirect examination” [3/12/25 Order at 43]	0.9	\$1,057	\$951.30
Justin Miller	01/29/24	“Time for Ms. Weatherford’s recross examination of Dr. Mann, and Mr. Fontaine’s single-question re-redirect examination” [3/12/25 Order at 43]	0.9	\$538	\$484.20
Christopher Bartolomucci	01/31/24	“Time expended on oral arguments on Defendants’ motions for judgment as a matter of law” [3/12/25 Order at 43]	1.0	\$1,057	\$1,057.00
Justin Miller	01/31/24	“Time expended on oral arguments on Defendants’ motions for judgment as a matter of law” [3/12/25 Order at 43]	1.0	\$538	\$538.00
Christopher Bartolomucci	01/31/24	Draft motion for sanctions for trial misconduct	2.5	\$1,057	\$2,642.50
Justin Miller	01/31/24	Draft motion for sanctions regarding false damages evidence	6.9	\$538	\$3,712.20
Aaron Gordon	01/31/24	Research standards for exclusion of evidence as a sanction	2.6	\$538	\$1,398.80
Christopher Bartolomucci	02/01/24	Revise motion for sanctions	2.5	\$1,057	\$2,642.50

Timekeeper	Date	Description	Hours	Laffey Rate	Total
Kristina Robinson	02/01/24	Revise, revise and cite check Def. Steyn's Motion for Sanctions; draft proposed order and declaration of C. Bartolomucci	1.8	\$239	\$430.20
Kristina Robinson	02/01/24	Prepare excerpted depositions for exhibits to Motion for Sanctions; prepare motion and attachments into final format and efile same	1.1	\$239	\$262.90
Kristina Robinson	02/01/24	Emails to/from C. Bartolomucci & J. Miller re: revisions to motion for sanctions	0.2	\$239	\$47.80
Kristina Robinson	02/01/24	Email Judge Irving and all counsel for service of courtesy copy of Steyn's Motion for Sanctions	0.1	\$239	\$23.90
Christopher Bartolomucci	02/07/24	"Time for the Parties' arguments on Defendants' renewed requests for sanctions" [3/12/25 Order at 44]	0.5	\$1,057	\$528.50
Justin Miller	02/07/24	"Time for the Parties' arguments on Defendants' renewed requests for sanctions" [3/12/25 Order at 44]	0.5	\$538	\$269.00
Total Fees for Trial Time/Sanctions Motion Preparation					\$16,902.80

Fees for Preparation of Submission on Attorney's Fees & Costs					
Timekeeper	Date	Description	Hours	Laffey Rate	Total
Christopher Bartolomucci	03/22/25	Review sanctions order and January order awarding fees to National Review [1.0]; prepare submission on attorney's fees and costs [2.5]; perform legal research for same [1.0]	4.5	\$1,141	\$5,134.50
Justin Miller	03/22/25	Review draft fee submission	0.3	\$581	\$174.30
Christopher Bartolomucci	03/23/25	Revise fee submission [1.5]; prepare supporting declaration [2.0]	3.5	\$1,141	\$3,993.50
Kristina Robinson	03/23/25	Review Order with directive for submission of attorney fee/costs [0.2]; assist with identification/creation of exhibits for submission as to fees/costs on sanctions motion [0.6]; draft grid of time/Laffey rate for use as exhibit to Bartolomucci Declaration [0.8]; cite and quote check Atty Fee/Costs Submission document [1.4]; communicate with C. Bartolomucci re: Submission document, Declaration and exhibits [0.2].	3.2	\$258	\$825.60
Justin Miller	03/24/25	Review draft fee submission	0.5	\$581	\$290.50
Kristina Robinson	03/24/25	Revise Atty Fee Submission Ex. 1 grid of time entries	0.2	\$258	\$51.60
Kristina Robinson	03/26/25	Final revisions to Atty Fee Submission, Declaration and Ex. 1 grid of time entries	0.3	\$258	\$77.40
Kristina Robinson	03/26/25	Finalize Atty Fee Submission, Declaration, and exhibits into final format and efile same.	0.4	\$258	\$103.20
Total Fees for Preparation of Fee Submission					\$10,650.60
TOTAL FEES					\$27,553.40

EXHIBIT 2

LAFFEY MATRIX

History

Case Law

See the Matrix

Contact us

Home

Year	Adjustmt Factor**	Paralegal/ Law Clerk	Years Out of Law School *				
			1-3	4-7	8-10	11-19	20 +
6/01/24- 5/31/25	1.080182	\$258	\$473	\$581	\$839	\$948	\$1141
6/01/23- 5/31/24	1.059295	\$239	\$437	\$538	\$777	\$878	\$1057
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., DL v. District of Columbia, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $\frac{1}{2}$ Years Out of Law School $\frac{1}{2}$ is calculated from June 1 of each year, when most law students graduate. $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $\frac{1}{2}$ 4-7" on June 1, 1999, and tier $\frac{1}{2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

EXHIBIT 3

Details - Case # 2012-CA-008263-B - Envelope # 185131

Envelope

Envelope ID

185131

Username

cbartolomucci@schaerr-jaffe.com

Submitted by

H. Christopher Bartolomucci

Case Information

Court Location

Civil - Civil Actions

Case Type

Civil II


Case Category

Civil Actions

Judge

Irving, Alfred S

Parties

Party Type	Party Name	Lead Attorney
Defendant	Rand Simberg	Mark W Delaquil,Kristen Rasmussen,Andrew Grossman,Mark I Bailen,David B Rivkin,Victoria L Weatherford,Renee M Knudsen
Defendant	Mark Steyn	Mark Steyn,H. Christopher Bartolomucci,Justin A Miller
	Mark Steyn	Mark Steyn,H. Christopher Bartolomucci,Justin A Miller
Plaintiff	Michael E. Mann	John B Williams,Fara N. Kitton,Peter J Fontaine,Ty Cobb,Chad E Kurtz,Amorie I Hummel,Patrick J Coyne
	Michael E. Mann	John B Williams,Fara N. Kitton,Peter J Fontaine,Ty Cobb,Chad E Kurtz,Amorie I Hummel,Patrick J Coyne
Pro Hac Vice	Daniel J. Kornstein	
Defendant	Competitive Enterprise Institute	Mark W Delaquil,Kristen Rasmussen
 Support		
Defendant	National Review, Inc.	Anthony J. Dick,Jonathan E DeWitt

Filings

Filing Code
Motion for Sanctions Filed

Filing Type
Filing Description

Client Ref #



Service Contacts

Service Contacts



Fees

Payment account
Kris Robinson

Party responsible
Mark Steyn

Filing attorney

Order ID
000185131-0

Transaction Response
Approved

Transaction Amount
\$26.00

Transaction ID
326894

Filing Fee	
Motion for Sanctions Filed	\$20.00
Service Fees	
Convenience Fee	\$1.00
Total Filing & Service Fees	\$5.00
Grand Total	\$26.00

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(Proposed) Order

Upon consideration of Defendant Mark Steyn's Submission on the Amount of Fees and Costs to be Awarded as a Sanction for Plaintiff's Bad-Faith Trial Misconduct, the Declaration of H. Christopher Bartolomucci, the exhibits submitted in support of the submission, and any opposition thereto, it is hereby:

ORDERED that Plaintiff shall within 30 days of this order pay Defendant Mark Steyn the sum of \$27,553.40 in attorneys' fees and \$26.00 in costs.

DATED this ____ day of _____, 2025.

The Honorable Alfred S. Irving, Jr.
Associate Judge