

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
JEFFREY BARHAM, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 02-2283 (EGS)(AK)
)	
CHARLES H. RAMSEY, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	
RAYMING CHANG, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 02-2010 (EGS)(AK)
)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

TENTH CONSENT MOTION OF DEFENDANT CHARLES H. RAMSEY FOR
APPROVAL OF PAYMENT OF INTERIM ATTORNEY FEES

INTRODUCTION

This consent motion pertains to the representation of defendant MPD Former Chief Charles Ramsey (“Chief Ramsey”) Vinson & Elkins L.L.P. for the period from September 1, 2009 through November 30, 2009. Normally the Office of Attorney General provides representation for individual MPD police officers. However, in this case, the District did not represent Chief Ramsey due to a potential conflict of interest. Vinson & Elkins represents Chief Ramsey in the *Chang* and *Barham* cases, at the request of Chief Ramsey and the Office of the Attorney General.

WORK PERFORMED

During the three-month period for which fees are requested by this Motion, counsel prepared and responded to pleadings, participated in various aspects of pretrial discovery and trial preparation, and, in conjunction with the Office of the Attorney General, counsel participated in many telephone conferences.

LEGAL BASIS FOR AWARD

The District of Columbia's obligation to reimburse MPD police officers who are defendants in civil suits such as this, where the District does not represent them, is based on D.C. Code § 5-115.04 which states as follows:

- (a) in accordance with regulations prescribed by the Council of the District of Columbia, the Corporation Counsel of the District of Columbia shall represent any officer or member of the Metropolitan Police Department, if he so requests, in any civil action for damages resulting from an alleged wrongful arrest by such officer or member.
- (b) if the Corporation Counsel fails or is unable to represent such officer or member when requested to do so, the Mayor of the District of Columbia shall compensate such officer or member for reasonable attorney fees (as determined by the Court) incurred by him in his defense of the action against him.

This case is based on allegations by the plaintiffs that defendant Newsham falsely arrested them and violated their constitutional rights at Pershing Park on September 27, 2002.

REASONABLENESS OF THE FEES

Counsel for defendant Ramsey has presented to the District monthly itemized statements of services, fees and costs for representation, and the District has reviewed and approved those statements. Counsel for the District of Columbia, pursuant to Rule 7(m) of the Local Civil Rules of the United States District Court for the District of Columbia, consents to the entry of this Order approving payment of reasonable fees and costs. Therefore, the parties present for the

Court's approval an Order for payment in the amount of \$119,615.36 to Vinson & Elkins L.L.P. in satisfaction of the District's interim obligation under D.C. Code § 5-115.04 for representation provided to Chief Ramsey in this litigation from September 1, 2009 through November 30, 2009.

WHEREFORE, it is requested that the Court approve the agreement of the parties to reimburse to defendant Ramsey interim attorney fees and costs incurred on his behalf in the total amount of \$119,615.36, to be paid to his counsel, Vinson & Elkins L.L.P.

Respectfully submitted,

PETER J. NICKLES
Attorney General for the
District of Columbia

VINSON & ELKINS LLP

GEORGE C. VALENTINE
Deputy Attorney General
Civil Litigation Division

/s/ Mark H. Tuohey III
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Counsel for Defendant Charles H. Ramsey

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December 21, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of December, 2009, I electronically filed the foregoing TENTH Consent Motion of Defendant Ramsey for Approval of Payment of Interim Attorney Fees and the proposed Order with the Clerk of Court using the CM/ECF system, which will then send notification of such filing to all counsel of record. I also certify that a copy was served by electronic mail on

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/s/ Mark H. Tuohey III

Mark H. Tuohey III

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CONSENT ORDER

Upon consideration of the Tenth Consent Motion of Defendant Ramsey for Approval of Payment of Interim Attorney Fees, the pleadings and the record herein, and for good cause shown, it is this Court's finding, pursuant to D.C. Code § 5-115.04, that payment of interim attorney fees and costs in the amount of \$119,615.36, for representation of defendant Charles Ramsey by Vinson & Elkins L.L.P., for the period from September 1, 2009 through November 30, 2009 in this litigation is reasonable, and it is therefore, this _____ day of _____, 2009 hereby

ORDERED that the District of Columbia shall pay the sum of \$119,615.36 to Vinson & Elkins L.L.P., counsel for defendant Ramsey, for legal fees and costs, pursuant to D.C. Code § 5-115.04, for legal representation herein from September 1, 2009 through November 30, 2009.

Emmet G. Sullivan, Judge
United States District Court for the
District of Columbia

cc: Robert C. Utiger
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