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[redacted]

Attorneys for Defendants
Melvin Grimes and Law Offices of Roberts Stoffel

DISTRICT COURT

CLARK COUNTY, NEVADA

LUBA DACE, Plaintiffs, vs. MELVIN GRIMES, BENJAMIN CHILDS, LAW OFFICE OF BENJAMIN B. CHILDS, MARY PERRY Defendants.	Case No: A-25-922833-C Dept. No.: 29 **DEFENDANTS MOTION FOR FEES AND COSTS** **(HEARING DATE REQUESTED)**

Defendants MELVIN GRIMES and LAW OFFICE OF ROBERTS STOFFEL (collectively "Defendants") by and through their counsel of record at Garin Law Group hereby submit their Motion for Attorney's Fees and Costs and additional amounts permitted by NRS 41.670 (Anti-SLAPP), for fees pursuant to NRS 18.010, and costs pursuant to NRS 18.020.

This Motion is based on the following Memorandum of Points and Authorities, the pleadings on file with the Court, the separately filed Memorandum of Costs, and any oral argument the Court may permit.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This is a retaliatory lawsuit filed by a litigant against opposing counsel arising out of communications opposing counsel made in litigation. Plaintiff Luba Dace ("Plaintiff") was represented by many attorneys during her contentious, ongoing litigation against her ex-husband in the case called *Gonzalez v. Gonzalez*, filed in the Eighth Judicial District Court for the State of Nevada, Case No. D-18-575860-D. Melvin Grimes (Grimes"), while employed by the Law Offices of Roberts Stoffel, represented Plaintiff's ex-husband in this litigation since 2019.

Over the course of Grimes's representation of Mr. Gonzalez, Grimes filed ex-parte motions, filed pleadings, and made oral argument in court. Everything that Plaintiff complains about Defendants is protected pursuant to NRS 41.660 and the absolute litigation privilege. Therefore, the Court conducted a hearing and appropriately granted the Special Motion to Dismiss Pursuant to NRS 41.660. The Anti-SLAPP statute makes an award of fees and costs mandatory and permits up to an additional $10,000 to be awarded per defendant impacted by the SLAPP complaint. NRS 41.670.

II. LEGAL STANDARD FOR AN AWARD OF ATTORNEY'S FEES AND COSTS

Recovery of attorney's fees as a cost of litigation is permissible by agreement, statute, or rule. See *Sandy Valley Assocs. v. Sky Ranch Estates Owners Ass 'n,* 117 Nev. 948, 956, 35 P.3d 964, 969 (2001).

If a Court grants a special anti-SLAPP motion to dismiss, the defendants are entitled to an award of reasonable costs and attorneys' fees. Nev. Rev. Stat. § 41.670(1)(a).

"In addition to cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party: … (b) without regard to the recovery sought, when the court finds that the claim . . . was brought or maintained without reasonable ground or to harass the prevailing party."

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NRS18.010(2)(b). Fees for anti-SLAPP motions may be separately recoverable pursuant to NRS 18.010(2) where the prevailing party is "forced to defend claims that lack[] a reasonable legal basis." *Goldman v. Clark County Sch. Dist.*, 2020 Nev. Unpub. LEXIS 879, *15.

"Costs must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, . . . in action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500. NRS 18.020(3)." Therefore, costs in anti-SLAPP actions may be separately recoverable pursuant to NRS 18.020.

All fees incurred in defending oneself from a SLAPP suit are recoverable when [redacted] nder the anti-SLAPP statute. See *Graham-Suit v. Clainos,* 738 2013) (affirmed in *Graham-Suit v. Clainos,* 756 F.3d 724, 752 (9th Cir. 2014)) (finding that awarding all attorney's fees incurred in connection with a case, even if not directly related to the anti-SLAPP motion, are recoverable if all claims are dismissed).

Furthermore, awarding all fees and costs incurred in defending oneself from a SLAPP suit—including the fees incurred in preparing the motion for fees and costs—is in accordance with the purpose of Nevada's anti-SLAPP statute, which is to make speakers "immune from any civil action for claims based upon the communication." Nev. Rev. Stat. §41.650.

In determining the reasonableness of the fees, the following factors must be considered: 1) the qualities of the advocate: his ability, training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; and (4) the result, whether the attorney was successful and what benefits were derived. *Brunzell*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (internal citations

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omitted). "[G]ood judgment would dictate that each of these factors be given consideration by the trier of fact and that no one element should predominate or be given undue weight." *Id*. "The value to be placed on the services rendered by counsel lies in the exercise of sound discretion by the trier of the facts." *Id.* at 33-34, 350; *Prostack v. Songailo*, 623 P.2d 978, 979-80, 97 Nev. 38, 40 (Nev. 1981).

III. PROCEDURAL HISTORY

On July 9, 2025, Plaintiff commenced this action by filing a Complaint. She subsequently filed an Amended Complaint, a Second Amended Complaint, and a Third Amended Complaint. On August 15, 2025, Plaintiff filed a Motion for Leave to File Fourth Amended Complaint.

In addition to these various documents to set forth the operative complaint, Plaintiff filed her (1) Motion for Alternate Service and to Appoint a Guardian Ad Litem, (2) Motion to take the Deposition of Melvin Grimes, (3) Motion to Preserve and Compel certain documents and various motions for order shortening time and withdrawal of various motions, all before Defendants were even required to file an initial responsive pleading. *See* Affidavit of Service filed on August 25, 2025 and Docket generally.

On August 25, 2025, Defendant Mr. Childs filed his Motion to Dismiss pursuant to Nevada's anti-SLAPP statute and for failure to state a claim. Plaintiff continued to file various notices in what appeared to be an effort to clean up her pleadings and the docket.

On August 29, 2025, Defendants filed their Special Motion to Dismiss Pursuant to NRS 41.660 (anti-SLAPP).

On September 29, 2025 the Findings of Fact, Conclusions of Law and Order on the Grimes Defendants' Special Motion to Dismiss Under NRS 41.660 was filed, dismissing Plaintiff's Complaint as against Melvin Grimes and Roberts Stoffel Family Law Group with prejudice pursuant to NRS 41.660.

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IV. LEGAL ARGUMENTS

A. Defendants are entitled to their Attorney's Fees Pursuant to NRS 41.660.

Grimes is entitled to his reasonable fees and costs from the beginning of the case through the hearing on this motion. NRS 41.670 provides in part:

> **1.** If the court grants a special motion to dismiss filed pursuant to NRS 41.660:
> **(a)** The court shall award reasonable costs and attorney's fees to the person against whom the action was brought, except that the court shall award reasonable costs and attorney's fees to this State or to the appropriate political subdivision of this State if the Attorney General, the chief legal officer or attorney of the political subdivision or special counsel provided the defense for the person pursuant to NRS 41.660.

Therefore, attorney's fees and costs are mandatory as part of granting a special motion to dismiss filed pursuant to NRS 41.660. The clear directive given by Nevada's Legislature is that attorney's fees and costs incurred with respect to the "action" are to be included in the award.[1] The award is not limited to fees and costs incurred on the Special Motion. See *Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (2021) ("[C]onsistent with the Legislature's goals of preventing the chilling effect of SLAPP suits and protecting free speech, we conclude that it intended to permit a prevailing defendant to recover all reasonable fees and costs incurred from the inception of the litigation under NRS 41.670(1)(a)."); *see also Graham-Suit supra,* (finding that awarding all attorney's fees incurred in connection with a case, even if not directly related to the Anti-SLAPP motion, are recoverable if all claims are dismissed); *Wanland v. Law Offices of Mastagni, Holstedt & Chiurazzi*, 141 Cal. App. 4th 15, 21 (2006)(finding that fees recoverable under California's anti-SLAPP statute includes all post-motion fees). The award of fees and costs is mandatory and "is intended to compensate a defendant for the expense of responding to the SLAPP suit." *Graham-Sult v. Clainos*, 738 F.3d 1131, 1159 (9th Cir. 2013); *see also Goudge v. State*, 128 Nev. 548, 553-54, 287 P.3d 301, 304 (2012) (recognizing that the word "shall" divests a court of judicial discretion and mandates the result set forth in the statute).

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Reasonable attorney's fees are generally calculated using the traditional "lodestar" method, which involves multiplying "the number of hours reasonably spent on a case by a reasonable hourly rate." *See Camacho v. Bridgeport Financial, Inc.*, 523 F.3d 973, 979 (9th Cir. 2008); *see also Shuette,* 124 P.2d at 549 citing *Herbst v. Humana Health Ins. Of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989); *see also Cunningham v. County of Los Angeles*, 879 F.2d 481, 488 (9th Cir. 1988) (the lodestar figure is presumptively reasonable).

The 'reasonableness' aspect of the lodestar analysis is determined by the specific facts of each case and requires examination of "the prevailing market rate in the relevant legal community for similar services by lawyers of reasonably comparable skills, experience, and reputation." *Camacho*, 523 F.3d at 979; *see also Norman v. Housing Authority of City of Montgomery*, [redacted] 1988), citing *Blum v. Stenson*, 465 U.S. 886, 895 n.11, [redacted] 1541, 1547 (1984).

Hourly rate determinations in other cases are satisfactory evidence of the prevailing market rate. *Beauchamp v. Anaheim Union High Sch. Dist.*, 816 F.3d 1216, 1224 (9th Cir. 2016) (citation omitted)). In *Century Surety Company v. Prince*, US District Court NV Case No. 2-16-cv-02465-JCM-PAL, *affirmed* at 782 Fed. Appx. 553 (2019), the Court approved anti-SLAPP attorney fee rates ranging from $425/hour to $200/hour. There are several unreported decisions approving rates in Anti-SLAPP cases. In *Kwok v. Cheng*, Clark County District Court Case No. A-18-779172-C (Dept. 32 permitted approved anti-SLAPP hourly attorney fee rates ranging from $747/hour to $300/hour.); *iQTAXX LLC v. Boling*, A15-728426-C (Dept 15 approved anti-SLAPP attorney hourly rates ranging from $600/hour to $325/hour).

In *Int'l Inst. of Mgmt. v. Org. for Econ. Cooperation & Dev.*, 2019 U.S. Dist. LEXIS 186907, *16-17 Judge Mahan reviewed several hourly rate determinations from other cases and concluded "[f]or the Las Vegas market, this court has regularly awarded fees

where the hourly rates at issue were $400 or less."[1] authorities relied on for this conclusion were decided more than ten years ago and rates have increased substantially since then.

There are several instances in Anti-SLAPP cases where significant awards of attorney's fees and costs have been approved. *See e.g., Century Surety Company v. Prince*, US District Court NV Case No. 2-16-cv-02465-JCM-PAL (Nev Mar 28, 2018) (Trial court permitted defendants' attorney fees and costs totaling $63,474.37 and more than 50% of the fees were approved at an enhanced rate.) *affirmed* at 782 Fed. Appx. 553 (2019); *Wynn v. Chanos*, 14-cv-04329-WHO (ND Cal. June 19, 2015) (Court approved award of Anti-SLAPP costs and fees of $422,380.86); *Metabolite Int'l, Inc. v. Wornick*, 213 F. Supp. 2d 1220, [redacted] (S.D. Cal. 2002) (prevailing Anti-SLAPP defendant entitled to recover fees and costs of $318,687.99 incurred for preparation of Anti-SLAPP motion and assertion of alternative legal defenses in response to meritless litigation); *Smith v. Zilverberg*[3], Clark County Eighth Judicial District Court Case No.: A-19-798171-C (Dept. 24 granted $69,002.53 in Anti-SLAPP costs and attorney fees plus $10,000 to each defendant as permitted by NRS 41.670(1)(b)); *Thomson v Helix*, Clark County Eighth Judicial District Court Case No. A-19-789664-B (By Order of September 9, 2020, Dept. 27 granted Anti-SLAPP attorney fees totaling $464,376.38); *Gilman v. Toll*, Storey County First Judicial District Court Case No., 18 TRT 00001 1E, Nev. Dist. LEXIS 592, *11 (By order September

[redacted]

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[1] Judge Mahan cited to the following cases: *See, e.g.*, *Snow v. McDaniel*, No. 3:08-cv-00046-RCJ-VPC, 2014 U.S. Dist. LEXIS 21345, 2014 WL 590489, at *1 (D. Nev. Feb. 14, 2014) (Jones, J.) (finding a $250 hourly rate reasonably within the context of a section 1988 inquiry); *see also Gibbs v. Rivers Transp. Group, Inc.*, No. 2:13-cv-00935-JAD-NJK, 2014 U.S. Dist. LEXIS 6311, 2014 WL 204928, at *3 (D. Nev. Jan. 17, 2014) (finding a $250 hourly rate reasonable in Las Vegas); *Marrocco v. Hill*, 291 F.R.D. 586, 589 (D. Nev. 2013) (finding hourly rates between $375 and $400 reasonable in Las Vegas); *Conboy v. Wynn Las Vegas*, LLC, No. 2:11-cv-01649-JCM-CWH, 2012 U.S. Dist. LEXIS 173711, 2012 WL 6100313, at *3 (D. Nev. Dec. 7, 2012) (finding a $350 hourly rate reasonable in Las Vegas); *Am. Gen. Life Ins. Co. v. Futrell*, No. 2:11-cv-00977-PMP-CWH, 2012 U.S. Dist. LEXIS 161930, 2012 WL 5497901, at *3 (D. Nev. Nov. 13, 2012) (finding hourly rates between $250 and $400 reasonable in Las Vegas).

24, 2020, Nevada First District Court Judge awarded $188,840 in attorneys' fees under NRS 41.670).

Defendant requests that the Court permit an award of attorney's fees actually billed in the amount of $14,898.00.

B. The Court Should Award Grimes Defendants the $10,000 each permitted by NRS 41.670.

NRS 41.670 provides in part:

> **1.** If the court grants a special motion to dismiss filed pursuant to NRS 41.660:
>
> **(b)** The court may award, in addition to reasonable costs and attorney's fees awarded pursuant to paragraph (a), an amount of up to $10,000 to the person against whom the action was brought.

Therefore, this $10,000 per defendant amount permitted by the statute is an amount above the reasonable costs and fees that are separately mandated. The statute's additional award recognizes that when individuals, businesses, and law firms face SLAPP suits, fees and costs for the suit may not fully compensate them for the resources individuals / businesses divert to manage the litigation. *See Smith v. Zilverberg*, 137 Nev. 65, 75, 481 P.3d 1222, 1232 (2021) (explaining the district court has the discretion to award monetary relief pursuant to NRS 41.670(1)(b) and the "plain language of the statute allows the district court to award up to $10,000 to any individual against whom the action was brought"). There is no specific factor test in awarding this additional amount and no requirement of finding bad faith. *See Sanson v. Lawra Kassee Bulen*, 2022 Nev. Unpub. LEXIS 346, *3. Claims dismissed by anti-SLAPP are inherently frivolous and "designed to impede protected public activities." *Abrams v. Sanson*, 136 Nev. 83, 91(2020).

Therefore here, where all the claims have been dismissed the additional $10,000 each for Grimes and the Firm is warranted, and the Court should grant the Grimes defendants an additional award totaling $20,000 representing the $10,000 each.

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C. Grimes as the Prevailing Party is Entitled to Costs as a Matter of Course Pursuant to NRS 18.020.

NRS 18.020(3) states:

> Costs must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, in the following cases:
> …
> …
> 3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500.
> …

Here, Plaintiff sought damages in excess of $2,500. *See* Complaint and Various Amended Complaints. Therefore, NRS 18.020 applies to allow Grimes costs as a matter of course, in addition to the anti-SLAPP statute allowing for the same costs. The order should read that costs are also being awarded pursuant to NRS 18.020.

D. Grimes Defendants' Attorney's Fees Should be Awarded Pursuant to NRS 18.010 in Addition to the Anti-SLAPP Statute.

Fees for anti-SLAPP motions may be separately recoverable pursuant to NRS 18.010(2) where the prevailing party is "forced to defend claims that lack[] a reasonable legal basis." *Goldman v. Clark County Sch. Dist.*, 2020 Nev. Unpub. LEXIS 879, *15, and NRS18.010(2)(b). Again, as anti-SLAPP motions address claims that are inherently frivolous and "designed to impede protected public activities," anti-SLAPP often overlaps with NRS 18.010(2). *Abrams v. Sanson*, 136 Nev. 83, 91(2020), and see *Goldman* at *14-15. Grimes requests that fees also be awarded pursuant to NRS 18.010 and the additional basis be reflected in the order.

E. The Attorneys Fees and Costs Incurred by the Grimes Defendants were Reasonable.

The total sum of attorney's fees and costs sought by the Grimes Defendants is **$15,176.09**. See Schedule of Fees Incurred attached as **Exhibit B** and see the separately filed Memorandum of Costs, 10/01/2025. District courts have sound discretion to award attorney's fees and costs. *In re Estate of Miller*, 125 Nev. 42 (2009). As stated above, the primary method for determining the reasonableness of fees in

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Nevada is set forth in *Brunzell v. Golden Gate National Bank,* 455 P.2d 31, 35 (Nev. 1969).

Here, the requested attorney's fees are reasonable and justified.

(1) The results obtained and the amount involved.

Defendants completely prevailed on their Motions resulting in dismissal of Plaintiff's Complaint. The specific amount involved in the case is not known; however, Plaintiff's Complaint requested general damages in excess of $100,000.00 along with special and punitive damages. See Complaint and various Amended Complaints.

(2) The time and labor required.

The rates and hours billed by Garin Law Group attorneys and paralegals in connection with this case are outlined in Exhibit B. The distribution of hours demonstrates delegation of tasks to lower cost timekeepers, as paralegals and associates assisted with case where possible. It also shows the efficiency with which the attorneys investigated, researched, and drafted the special motion and related briefing. Every hour billed was necessary to defend against Plaintiff's SLAPP complaint.

(3) The novelty and difficulty of the question involved.

Anti-SLAPP litigation is a highly specialized area of law. The research and briefing necessary to prevail on an anti-SLAPP motion is substantively equivalent to the efforts put forth on a motion for summary judgment. A special motion under NRS 41.660, however, is subject to statutory filing requirements and penalties if deemed frivolous. The nature of Plaintiff's complaint as an intentional SLAPP filing underscores the need for an award at market rates.

(4) The skill to perform the legal service properly.

Mr. Garin and Mrs. Ochoa served as named counsel. Mr. Garin and Mrs. Ochoa are nationally regarded for litigation experience and have specialized knowledge and experience on the issues presented in this case. *See e.g.*, *Century Surety Company v. Prince*, US District Court NV Case No. 2-16-cv-02465-JCM-PAL, *affirmed* at 782 Fed.

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Appx. 553 (2019). The combined skills, expertise, and reputation of Garin Law Group, its attorneys and paralegals was crucial to the success of the special motion.

(5) The customary fee.

Because of the specialized knowledge required to defend against anti-SLAPP claims, the standard hourly rates of Garin Law Group are reasonable. Mr. Garin customarily bills $540 per hour and Mrs. Ochoa customarily bills at $400 per hour; however, they rendered services in this matter at a much lower hourly rate as dictated by Garin Law Group's contract with the insurance carrier. Attorney *Declaration*, **Ex. A**. ¶ 13.

When you compare these rates to the billing rates set forth in the [redacted] Adjusted *Laffey* Matrix, attached hereto as **Exhibit C** or the USAO Attorney's Fee Matrix, attached as **Exhibit D**, the hourly rates at Garin Law Group are lower than the prevailing market rates for such experienced attorneys.[2] According to the Adjusted *Laffey* Matrix, an attorney with Mr. Garin's experience and years in practice would customarily bill $1141/hour. The USAO Attorney Fee Matrix establishes rates at $665/hour for Mr. Garin, and $532/hour for associates.

(6) Whether the fee is fixed or contingent.

The fees charged in this case were fixed based on a pre-existing negotiated rate with Defendants' insurer.

(7) The time limitations imposed by the client or the circumstances.

The Anti-SLAPP Special Motion to Dismiss should be filed early in the case to save expenses of litigation and has a special statutory timeline. Given that there is a potential penalty for either side and the Special Motion can be the equivalent of a motion for summary judgment, such a motion is often prioritized in Defendant's counsel's firm.

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[2] *See* matrix (laffeymatrix.com)

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(8) The experience, reputation, and ability of the attorneys.

As demonstrated in the declaration of Angela T. Nakamura Ochoa Esq., a fine advocate, having been licensed and practicing in Nevada since 2006. Mrs. Ochoa was a Partner with a National Law Firm from 2018 until February 28, 2025, before becoming a Partner with Garin Law Group. Mrs. Ochoa and the firm have experience with professional malpractice and anti-SLAPP motions. Mrs. Ochoa has been practicing in civil litigation for nineteen years and has a wide range of experience in civil litigation, including conducting trials, appeals, arbitrations, and mediations; and regularly handle cases of legal importance and cases where the plaintiff alleges damages in the millions of dollars.

(9) The preclusion of other employment by the attorney due to acceptance of the case.

The attorneys were not specifically precluded from other employment due to [redacted] *case (if any).*

The nature of SLAPP litigation can make the cases generally undesirable and a complex form of legal action that often requires the involvement of specialized defense counsel, and strategic use of evidence early in the litigation.

(11) The nature and length of the professional relationship with the client.

The professional relationship was established at the request of Defendant's insurer.

(12) Awards in similar cases.

In March 2021, the Nevada Supreme Court clarified that a prevailing party should recover all of their reasonable attorney's fees and costs incurred from the inception of the litigation under NRS 41.670(1)(a). *See Smith v. Zilverberg*, 137 Nev. Adv. Rep. 7, 481 P. 3d 1222, 1231 (2021). Set forth above are citations to several cases where Courts have approved substantial attorney fee awards. *See supra,* pp 5-6. Notably,

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however, many of these cases were decided before the Nevada Supreme Court provided clarification and attorney's fees awards were limited to only the Anti-SLAPP portion of the case. Based on this, the Court could permit a substantial award of attorney's fees for all time billed on the defense based on market rates. Here, Defendants are requesting an attorney fee award at their invoice insurance rate substantially below the allowable market rate.

The work performed was reasonable, given Plaintiff's Complaint and theories of liability. The requested attorney's fees were justified based on the results achieved and were reasonable in time and amount. *See* attached list of Fees and separately filed Memorandum of Costs and supporting Declaration.

Given the history of this case, the factual allegations in the Complaint along with the claims against the Grimes defendants, the efforts in briefing and arguing an anti-SLAPP special Motion to Dismiss, and the outcome achieved, demonstrate the work undertaken by counsel was justified. These fees were expended in good faith and were only incurred as a result of Plaintiff's initiation of this case.

V. CONCLUSION

Based on the foregoing, Defendant Bellon respectfully requests this Court enter an award in his favor and against Plaintiff in the amount of **$14,898.00 for fees** and **$278.09 in costs**, for a total amount of **$15,176.09** pursuant to NRS 41.670, NRS 18.010, and NRS 18.020, and **an additional $10,000 as permitted by NRS 41.670(1)(b)** each for Grimes and the Law Office of Roberts Stoffel.

DATED this 9th day of October, 2025.

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By: */s/ Angela Ochoa*
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
ANGELA N. OCHOA, ESQ.
Nevada Bar No. 10164

Attorneys for Defendant
Melvin Grimes

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2025, I served of the foregoing **DEFENDANTS MOTION FOR FEES AND COSTS** was made pursuant to NRCP 5(b) to the following parties utilizing the Court's E-File/ServeNV System:

[redacted] Las Vegas NV, 89178 [redacted]	Benjamin B. Childs, Sr., Esq. State Bar # 3946 BENJAMIN B. CHILDS, LTD. [redacted] Attorney for Defendants Benjamin Childs and Law Office of Benjamin B. Childs

/s/ Juan Cerezo
An Employee of GARIN LAW GROUP

[redacted]

EXHIBIT “A”

EXHIBIT “A”

DECLARATION OF ANGELA T. NAKAMURA OCHOA, ESQ. IN SUPPORT OF MOTION FOR FEES AND COSTS

I, Angela T. Nakamura Ochoa, Esq., declare as follows:

1. I am over the age of eighteen and am competent to testify as to the matters below, which are based on personal knowledge. The facts stated herein are true to the best of my own personal knowledge, except for those facts stated upon information and belief, and as to those facts, I believe them to be true.

2. I am a partner at the law firm of Garin Law Group and serve as counsel for Defendant Melvin Grimes and the Law Office of Roberts Stoffel and provide this declaration in support of the Defendants' Motion for Attorney Fees and Costs.

3. On September 29, 2025, this Court granted Defendants Motion to Dismiss pursuant to NRCP 41.660.

Legal Services Performed

4. I personally performed much of the legal work in this case and managed the day-to-day activities concerning the same.

5. Attached as **Exhibit B** to this Motion and supporting Declaration is a schedule of legal services provided to the Defendants in relation to this case, which have been redacted to remove attorney-client privileged and work product information. The hours total 58.9 and the dollar totals to $14,898.00. Nothing by way of filing and disclosing said schedule is intended to waive the attorney-client and work-product privileges. The legal services described therein cover the period of August 28, 2025 through September 30, 2025 and were performed by myself or persons employed at the law firm of Garin Law Group.

6. I personally performed the work stated in Exhibit B or supervised the persons who performed said work. Where possible, I delegated work to attorneys and support staff that billed at lower rates. The work performed by Garin Law Group in this case were reasonable and necessarily done.

7. The work set forth in Exhibit B was not duplicative.

8. During the period of August 28, 2025 through September 30, 2025, the

Lipson Neilson P.C.

law firm of Garin Law Group billed $14,898.00 on the file at the following rates to the Defendants. A breakdown of the hours by Garin Law Group billing employee for those periods is set forth as follows:

Attorney	**Market Hourly Rate**	**Hours Billed**	**Total**
Angela Ochoa	$285	42.2	$12,027.00
David Ochoa	$230	7.0	$1,610.00
Paralegal/Law Clerk	**Market Hourly Rate**	**Hours Billed**	**Total**
Maximus Michor	$130	9.4	$1,222.00
Juan Cerezo	$130	.3	$39
Garin Law Group Total		**58.9**	**$14,898.00**

9. As shown above, the rates for paralegals and law clerks was $130.00 per hour. The rate for Associate Attorneys was $230.00 per hour. And the rate for Partners was $285 per hour. Because Defendants were being defended by an insurance carrier, the rates were contracted. Based on my approximate 14 years of experience defending attorneys in legal malpractice actions this State, and over 2 years of serving on the Nevada State Bar Fee Dispute Committee, I know that the rates as set forth above are below market rate. All of the attorneys, paralegals, and law clerks charge more for their non-insurance cases.

Qualifications of Garin Law Group

10. The law firm of Garin Law Group has existed since March 1, 2025, with its attorneys having previously practiced together under the name of Lipson Neilson, P.C. Lipson Neilson was a national firm with an office in Las Vegas.

11. Our attorneys are best known for our work in professional malpractice and have frequent success in anti-SLAPP motions.

12. I served as a partner at Lipson Neilson, P.C. from 2018 until February 28, 2025 and I currently serve as a partner at Garin Law Group.

13. I graduated from the William S. Boyd School of Law and have been licensed by the State Bar of Nevada since 2006. I have been practicing in civil litigation

Lipson Neilson P.C.

for nineteen years. I have a wide range of experience in civil litigation, including conducting trials, appeals, arbitrations, and mediations. I regularly handle cases of legal importance and cases where the plaintiff alleges damages in the millions of dollars.

14. As a result of my legal career, I have gained a unique skillset and knowledge of the legal processes that surrounds Plaintiff's complaint that justify my hourly billing rate.

15. David Ochoa graduated from Boyd School of Law. He has been licensed in the State of Nevada since 2007. In law school Mr. Ochoa externed with the Honorable William O. Voy of the Eighth Judicial District Court and received an Eighth Judicial District Court Service Award for research and drafting of juvenile Probation Review Report submitted to the Annie E. Casey Foundation. He was Law Clerk to Honorable Cynthia Diana Steel in the Eighth Judicial District Court. He has prior experience in personal injury firms, assisting in discovery and preparing cases for trial with estimated values exceeding a million dollars. He has represented officers and directors since 2016 and handled claims alleging discrimination and violations of the Americans with Disabilities Act. Mr. Ochoa has handled cases in Clark County, Washoe County, the Federal District of Nevada, the Ninth Circuit Court of Appeals, and the Nevada Supreme Court, and received favorable decisions in all of the above courts. Mr. Ochoa is a Partner with Garin Law Group, but provided services in this matter at previously negotiated Associate Attorney Insurance Defense rate.

Character of Work Done

1. The work in this case was excellent. The legal issues in this case were not particularly complex or difficult, as the law concerning the absolute litigation privilege and the anti-SLAPP statute have been well developed in this State.

Lipson Neilson P.C.

The breadth of case law in this state on NRS 41.660 is much greater than other areas of law, which does lend to specialization, and that is reflected in the pleadings filed in this matter.

2. The work also reflected diligence and competence, as this case was highly front loaded. An anti-slapp motion inherently requires an attorney to become quickly aware of the facts of a case, as the motion has the effect of a motion for summary judgment. However, in addition to dealing with an early dispositive motion, I had to evaluate and address the numerous pleadings that were filed even before the deadline for my clients to file their initial responsive pleading. At the time of hearing on the anti-SLAPP motion, there was no less than forty filings, which is unusual for the age of such a case.

3. The character of the work was reflected in the results.

The Result

The Defendants prevailed in their Motion to Dismiss, in large part due to the efforts of their attorneys at Garin Law Group. The fees and costs incurred were more than reasonable and necessary.

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

EXECUTED this 9th day of October, 2025.

/s/ Angela Ochoa
ANGELA T. NAKAMURA OCHOA

Lipson Neilson P.C.

EXHIBIT “B”

EXHIBIT “B”

Date	Hours	Rate ($)	Billable ($)	User	Description
8/28/2025	3	285	855	Angela Ochoa	PREPARE MOTION TO DISMISS.
8/28/2025	0.8	285	228	Angela Ochoa	REVIEW DOCKET FOR STATUS OF THE CASE AND OTHER APPEARANCES AND PENDING MOTIONS.
8/29/2025	0.2	285	57	Angela Ochoa	EMAIL TO TRAVELERS CARRIER REGARDING [redacted]
8/29/2025	0.1	285	28.5	Angela Ochoa	EMAIL EXCHANGE WITH CLIENT REGARDING [redacted]
8/29/2025	0.2	285	57	Angela Ochoa	PHONE CALL WITH CARRIER REGARDING [redacted]
8/29/2025	0.3	285	85.5	Angela Ochoa	REVIEW FILE TO ASCERTAIN FACTS [redacted]
8/29/2025	0.2	285	57	Angela Ochoa	EMAIL EXCHANGE WITH CLIENT ABOUT [redacted]
8/29/2025	0.2	285	57	Angela Ochoa	EMAIL EXCHANGE WITH CLIENT ABOUT [redacted]
8/29/2025	0.5	285	142.5	Angela Ochoa	FINALIZE THE MOTION TO DISMISS.
8/29/2025	1.8	285	513	Angela Ochoa	PREPARE DECLARATION IN SUPPORT OF THE MOTION TO DISMISS
8/29/2025	0.1	285	28.5	Angela Ochoa	REVIEW EMAIL FROM CARRIER REGARDING [redacted]
8/29/2025	3.8	130	494	Max Michor	REVIEW, EDIT, AND PREPARE EXHIBITS FOR MOTION TO DISMISS AND DECLARATION IN GRIMES/ROBERTS STOFFEL ADV. DACE
9/2/2025	0.5	130	65	Max Michor	ADD CASE LAW TO SUPPLEMENT TO SPECIAL MOTION TO DISMISS REGARDING WHETHER OR NOT AMENDED COMPLAINT FILED AFTER SPECIAL MOTION TO DISMISS IS OPERATIVE.
9/2/2025	0.9	130	117	Max Michor	RESEARCH SAMPLE MOTIONS TO STAY DISCOVERY AFTER FILING OF SPECIAL MOTIONS TO DISMISS UNDER NEVADA'S ANTI-SLAPP STATUTE.
9/2/2025	0.6	130	78	Max Michor	ADD CASE LAW TO OPPOSITION TO MOTION FOR EXPEDITED DEPOSITION REGARDING DISCOVERY STAYS AFTER FILING OF SPECIAL MOTION TO DISMISS
9/2/2025	3.1	285	883.5	Angela Ochoa	PREPARE SUPPLEMENT TO THE MOTION TO DISMISS BASED ON PLAINTIFF'S NOTICE OF CLARIFICATION OF CLAIMS PURSUING, ADDRESSING THE ABUSE OF PROCESS CLAIM.

9/2/2025	0.2	285	57	Angela Ochoa	EMAIL TO AMANDA REGARDING [redacted]
9/2/2025	0.1	285	28.5	Angela Ochoa	FOLLOW UP PHONE CALL WITH AMANDA ABOUT [redacted]
9/2/2025	0.1	285	28.5	Angela Ochoa	REVIEW NOTICE OF HEARING ON THE SPECIAL MOTION TO DISMISS.
9/2/2025	0.1	285	28.5	Angela Ochoa	REVIEW NOTICE TO DISMISS PERRY.
9/2/2025	0.1	285	28.5	Angela Ochoa	REVIEW AMENDED NOTICE TO DISMISS PERRY AND DIFFERENCES.
9/2/2025	0.1	285	28.5	Angela Ochoa	REVIEW NOTICE OF CLARIFICATION OF CLAIMS.
9/3/2025	2.1	285	598.5	Angela Ochoa	PREPARE OPPOSITION TO THE MOTION FOR LEAVE TO AMEND.
9/3/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S NOTICE OF NON-OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND.
9/3/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S OBJECTION TO PREMATURE HEARING DATE AND REQUEST FOR CONTINUANCE.
9/3/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S REPLY IN SUPPORT OF THE MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT.
9/3/2025	1.6	285	456	Angela Ochoa	PREPARE OPPOSITION TO THE MOTION FOR LEAVE TO TAKE DEPOSITION OF MELVIN.
9/4/2025	3.6	130	468	Max Michor	RESEARCH PREVIOUS LAWSUITS FILED BY LUBA DACE AND PHILIP DACE; NEVADA LAW ON DECLARING PLAINTIFFS VEXATIOUS LITIGANTS.
9/7/2025	0.1	285	28.5	Angela Ochoa	EMAIL TO GRIMES AND AMANDA [redacted]
9/8/2025	0.1	285	28.5	Angela Ochoa	REVIEW MINUTE ORDER FROM COURT VACATING HEARINGS.
9/11/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S REPLY IN SUPPORT OF MOTION FO RLEAVE TO FILE FOURTH AMENDED COMPLAINT.
9/11/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR EXPEDITED DEPOSITION OF MELVIN GRIMES.
9/11/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S MOTION TO STRIKE UNTIMELY OPPOSITION TO THE MOTION FOR LEAVE TO AMEND.
9/14/2025	6	285	1710	Angela Ochoa	PREPARE REPLY IN SUPPORT OF THE MOTION TO DISMISS.
9/15/2025	5.5	285	1567.5	Angela Ochoa	CONTINUE TO PREPARE REPLY IN SUPPORT OF THE MOTION TO DISMISS.
9/15/2025	0.1	285	28.5	Angela Ochoa	EMAIL TO CLIENT FOR [redacted]
9/16/2025	0.4	285	114	Angela Ochoa	PREPARE APPENDIX IN SUPPORT OF THE REPLY TO THE MOTION TO DISMISS.

9/16/2025	4	285	1140	Angela Ochoa	CONTINUE TO PREPARE REPLY IN SUPPORT OF THE MOTION TO DISMISS.
9/16/2025	0.3	285	85.5	Angela Ochoa	REVIEW BEN CHILD'S REPLY IN SUPPORT OF HI MOTION TO DISMISS.
9/19/2025	1.5	285	427.5	Angela Ochoa	REVIEW ALL PLEADINGS AND DOCKET FOR WHAT IS ON CALENDAR FOR ORAL ARGUMENT ON SEPTEMBER 23 GIVEN NUMEROUS FILINGS AND CONTRADICTORY NOTICES OF HEARING.
9/19/2025	0.2	285	57	Angela Ochoa	PHONE CALL WITH SHANNA GRIMES ABOUT [redacted]
9/20/2025	2	285	570	Angela Ochoa	PREPARE FOR ORAL ARGUMENT ON THE MOTION TO DISMISS, RE-READING DELUCCHI AND PREPARING ORAL ARGUMENT OUTLINE.
9/21/2025	0.1	285	28.5	Angela Ochoa	REVIEW EXECUTED CLIENT DOCUMENT[redacted]
9/23/2025	0.1	285	28.5	Angela Ochoa	EMAIL TO CLIENT [redacted]
9/23/2025	1.7	285	484.5	Angela Ochoa	PREPARE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON THE MOTION TO DISMISS.
9/23/2025	2	285	570	Angela Ochoa	ATTEND THE HEARING ON THE MOTION TO DISMISS.
9/24/2025	0.2	285	57	Angela Ochoa	REVIEW BEN CHILDS'S ORDER ON HIS MOTION TO DISMISS.
9/24/2025	0.1	285	28.5	Angela Ochoa	REVIEW EMAIL FROM PLAINTIFF REGARDING REQUEST TO REVIEW ORDER.
9/24/2025	0.1	285	28.5	Angela Ochoa	REVIEW ORDER VACATING ALL HEARINGS.
9/25/2025	0.1	285	28.5	Angela Ochoa	EMAIL TO TRAVELERS REGARDING[redacted]
9/25/2025	0.1	285	28.5	Angela Ochoa	EMAIL TO PLAINTIFF PROPOSED ORDER ON THE MOTION TO DISMISS.
9/25/2025	7	230	1610	David Ochoa	START TO DRAFT MOTION FOR FEES AND COSTS
9/26/2025	0.1	285	28.5	Angela Ochoa	REVIEW EMAIL FROM LUBA SNOW WITH SUBMISSION OF HER PROPOSED ORDER TO THE COURT.
9/26/2025	0.2	285	57	Angela Ochoa	REVIEW PLAINTIFF'S PROPOSED ORDER.
9/26/2025	0.2	285	57	Angela Ochoa	REVIEW CASE LAW CITED BY PLAINTIFF FOR THE PROPOSITION THAT FINDINGS OF FACT MUST BE PLACED ON RECORD AT HEARING.
9/26/2025	0.2	285	57	Angela Ochoa	EMAIL TO PLAINTIFF REGARDING HER EMAIL ATTEMPTING TO RE-LITIGATE MATTER VIA EMAIL.
9/26/2025	0.1	285	28.5	Angela Ochoa	REVIEW BEN CHILD'S MEMORANDUM OF COSTS.
9/26/2025	0.5	285	142.5	Angela Ochoa	EMAIL TO PLAINTIFF REGARDING HER COMMENTS ABOUT THE DEFENDANTS' PROPOSED ORDER AND RESPONSE TO HER EMAIL ABOUT CERTAIN CASE LAW AND RULES.
9/29/2025	0.1	285	28.5	Angela Ochoa	REVIEW EXECUTED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON GRIMES MOTION TO DISMISS EXECUTED BY JUDGE.

9/30/2025	0.3	130	39	Juan Cerezo	PREPARE NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
	58.9	Total	14898		

EXHIBIT “C”

EXHIBIT “C”

LAFFEY MATRIX

History
Case Law
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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	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)

* ï¿½Years Out of Law Schoolï¿½ is calculated from June 1 of each year, when most law students graduate. ï¿½1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). ï¿½4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier ï¿½1-3" from June 1, 1996 until May 31, 1999, would move into tier ï¿½4-7" on June 1, 1999, and tier ï¿½8-10" 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 “D”

EXHIBIT “D”

USAO ATTORNEY'S FEES MATRIX — [redacted]

Revised Methodology starting with [redacted] Year

Years (Hourly Rate for June 1 – May 31, based on change in PPI-OL since January 2011)

Experience	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
31+ years	568	581	602	613	637	665
21-30 years	530	543	563	572	595	621
16-20 years	504	516	536	544	566	591
11-15 years	455	465	483	491	510	532
8-10 years	386	395	410	417	433	452
6-7 years	332	339	352	358	372	388
4-5 years	325	332	346	351	365	380
2-3 years	315	322	334	340	353	369
Less than 2 years	284	291	302	307	319	333
Paralegals & Law Clerks	154	157	164	166	173	180

Explanatory Notes

1. This matrix of hourly rates for attorneys of varying experience levels and paralegals/law clerks has been prepared by the Civil Division of the United States Attorney's Office for the District of Columbia (USAO) to evaluate requests for attorney's fees in civil cases in District of Columbia courts. The matrix is intended for use in cases in which a fee-shifting statute permits the prevailing party to recover "reasonable" attorney's fees. *See, e.g.,* 42 U.S.C. § 2000e-5(k) (Title VII of the 1964 Civil Rights Act); 5 U.S.C. § 552(a)(4)(E) (Freedom of Information Act); 28 U.S.C. § 2412(b) (Equal Access to Justice Act). The matrix has not been adopted by the Department of Justice generally for use outside the District of Columbia, or by other Department of Justice components, or in other kinds of cases. The matrix does **not** apply to cases in which the hourly rate is limited by statute. *See* 28 U.S.C. § 2412(d).

2. A "reasonable fee" is a fee that is sufficient to attract an adequate supply of capable counsel for meritorious cases. *See, e.g., Perdue v. Kenny A. ex rel. Winn*, 559 U.S. 542, 552 (2010). Consistent with that definition, the hourly rates in the above matrix were calculated from average hourly rates reported in 2011 survey data for the D.C. metropolitan area, which rates were adjusted for inflation with the Producer Price Index-Office of Lawyers (PPI-OL) index. The survey data comes from ALM Legal Intelligence's 2010 & 2011 Survey of Law Firm Economics. The PPI-OL index is available at http://www.bls.gov/ppi. On that page, under "PPI Databases," and "Industry Data (Producer Price Index - PPI)," select either "one screen" or "multi-screen" and in the resulting window use "industry code" 541110 for "Offices of Lawyers" and "product code" 541110541110 for "Offices of Lawyers." The average hourly rates from the 2011 survey data are multiplied by the PPI-OL index for May in the year of the update, divided by 176.6, which is the PPI-OL index for January 2011, the month of the survey data, and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).

3. The PPI-OL index has been adopted as the inflator for hourly rates because it better reflects the mix of legal services that law firms collectively offer, as opposed to the legal services that typical consumers use, which is what the CPI-

Legal Services index measures. Although it is a national index, and not a local one, *cf. Eley v. District of Columbia*, 793 F.3d 97, 102 (D.C. Cir. 2015) (noting criticism of national inflation index), the PPI-OL index has historically been generous relative to other possibly applicable inflation indexes, and so its use should minimize disputes about whether the inflator is sufficient.

4. The methodology used to compute the rates in this matrix replaces that used prior to 2015, which started with the matrix of hourly rates developed in *Laffey v. Northwest Airlines, Inc*. 572 F. Supp. 354 (D.D.C. 1983), *aff'd in part, rev'd in part on other grounds*, 746 F.2d 4 (D.C. Cir. 1984), *cert. denied*, 472 U.S. 1021 (1985), and then adjusted those rates based on the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Baltimore (DC-MD-VA-WV) area. The USAO rates for years prior to and including 2014-15 remains the same as previously published on the USAO's public website.

5. The various "brackets" in the column headed "Experience" refer to the attorney's years of experience practicing law. Normally, an attorney's experience will be calculated starting from the attorney's graduation from law school. Thus, the "Less than 2 years" bracket is generally applicable to attorneys in their first and second years after graduation from law school, and the "2-3 years" bracket generally becomes applicable on the second anniversary of the attorney's graduation (*i.e.*, at the beginning of the third year following law school). *See Laffey*, 572 F. Supp. at 371. An adjustment may be necessary, however, if the attorney's admission to the bar was significantly delayed or the attorney did not otherwise follow a typical career progression. *See, e.g., EPIC v. Dep't of Homeland Sec.*, 999 F. Supp. 2d 61, 70-71 (D.D.C. 2013) (attorney not admitted to bar compensated at "Paralegals & Law Clerks" rate); *EPIC v. Dep't of Homeland Sec.*, 982 F. Supp. 2d 56, 60-61 (D.D.C. 2013) (same). The various experience levels were selected by relying on the levels in the ALM Legal Intelligence 2011 survey data. Although finer gradations in experience level might yield different estimates of market rates, it is important to have statistically sufficient sample sizes for each experience level. The experience categories in the current USAO Matrix are based on statistically significant sample sizes for each experience level.

6. ALM Legal Intelligence's 2011 survey data does not include rates for paralegals and law clerks. Unless and until reliable survey data about actual paralegal/law clerk rates in the D.C. metropolitan area become available, the USAO will compute the hourly rate for Paralegals & Law Clerks using the most recent historical rate from the USAO's former *Laffey* Matrix (*i.e.*, $150 for 2014-15) updated with the PPI-OL index. The formula is $150 multiplied by the PPI-OL index for May in the year of the update, divided by 194.3 (the PPI-OL index for May 2014), and then rounding to the nearest whole dollar (up if remainder is 50¢ or more).

7. The attorney's fees matrices issued by the United States Attorney's Office are intended to facilitate the settlement of attorney's fees claims in actions in which the United States may be liable to pay attorney's fees to the prevailing party and the United States Attorney's Office is handling the matter. The United States Attorney's Office is presently working to develop a revised rate schedule, based upon current, realized rates paid to attorneys handling complex federal litigation in the District of Columbia federal courts. This effort is motivated in part by the D.C. Circuit's urging the development of "a reliable assessment of fees charged for complex federal litigation in the District." *D.L. v. District of Columbia*, 924 F.3d 585, 595 (D.C. Cir. 2019). This new matrix should address the issues identified by the majority in *D.L.*, but it is expected that it will be some time before a new matrix can be prepared. In the interim, for matters in which a prevailing party agrees to payment pursuant to the matrices issued by the United States Attorney's Office, the United States Attorney's Office will not demand that a prevailing party offer the additional evidence that the law otherwise requires. *See Eley*, 793 F.3d at 104 (quoting *Covington v. District of Columbia*, 57 F.3d 1101, 1109 (D.C. Cir. 1995)) (requiring "evidence that [the] 'requested rates are in line with those prevailing in the community for *similar services*'").