

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Human Rights Defense Center v. Pacific County, et al.

Human Rights Defense Center v. Pacific County, Case No. 3:24-cv-6068-BJR (W.D. Wash. Nov. 26, 2025) · No. 3:24-cv-6068-BJR · Decided November 26, 2025

SUMMARY

The United States District Court for the Western District of Washington partially granted and partially denied the Human Rights Defense Center’s motion for attorneys’ fees and costs following a Rule 68 judgment concerning alleged censorship of prisoner mail. The court awarded fees at the requested hourly rates but reduced recoverable hours for overstaffing, vague time entries, portions of work on an unsuccessful preliminary-injunction motion, and fee-litigation work. The court awarded \$4,128.85 in costs and directed the parties to submit a proposed order.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Barbara J. Rothstein
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	November 26, 2025
DOCKET	3:24-cv-6068-BJR
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for attorneys' fees and costs after accepting the County's Rule 68 offer of judgment and obtaining a stipulated judgment. The County did not contest entitlement to fees but challenged the reasonableness of the hours and hourly rates.
STANDARD OF REVIEW	The fee applicant bears the burden of proving the reasonableness of the requested award. Reasonableness is evaluated principally through the lodestar method, with reductions permitted for excessive, redundant, unnecessary, inadequately documented, or otherwise unreasonable time. Hourly rates are assessed against prevailing market rates in the relevant forum.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Human Rights Defense Center v. Pacific County, Pacific County
Sheriff's Office, Sheriff Garcia, Mike Parker

TOPICS

attorney fees section 1983 civil procedure remedies municipal liability

PRACTICE AREAS

civil rights attorney fees civil procedure constitutional law municipal law

QUESTIONS PRESENTED

1. Whether HRDC was entitled to recover reasonable attorneys' fees and costs as a prevailing civil-rights plaintiff under 42 U.S.C. § 1988 and the stipulated judgment.
2. Whether the hours claimed by HRDC's attorneys and paralegals were reasonably expended, including whether staffing, vague entries, block billing, supervision, collaboration, and time spent on the unsuccessful preliminary-injunction motion warranted reductions.
3. Whether the hourly rates requested for HRDC's counsel and paralegals were reasonable under prevailing market rates in the Western District of Washington.
4. What amount of fees and costs should be awarded for litigating the fee motion itself.

HOLDINGS

1. The requested hours were excessive in light of the case's limited complexity, limited discovery, and small docket. The court limited compensable work to specified attorneys and paralegals and reduced the award accordingly.
2. The court declined to reduce fees for reasonable delegation, supervision, collaboration, and case-related strategy because such activities can be cost-effective and were not shown to be excessive.
3. Billing entries that were too vague to permit a meaningful assessment of reasonableness were not compensable.
4. HRDC could not recover fees incurred on the preliminary-injunction motion after January 22, 2025, because the motion was neither warranted nor a necessary step toward HRDC's ultimate relief.
5. The requested hourly rates for Flack, Picard, Chamberlain, Caldwell, and Gronquist were reasonable under the prevailing market in the relevant forum.
6. The court reduced the amount awarded for litigating the fee motion to \$18,000 and awarded HRDC \$4,128.85 in costs.

KEY QUOTATIONS

"The resulting lodestar figure is presumed to represent a reasonable fee, though the court may adjust it upward or downward after considering various factors known as the Kerr factors." (at 2)

"Rare, indeed, is the litigant who doesn't lose some skirmishes on the way to winning the war." (at 7-8)

“HRDC’s preliminary injunction motion was neither warranted nor necessary to its ultimate success.” (at 8)

“Therefore, the Court finds the rates reasonable in light of the prevailing market for the relevant forum.” (at 11)

FACTUAL BACKGROUND

HRDC alleged that Pacific County Jail staff rejected at least 39 of more than 100 mailings sent to inmates without notice, explanation, or an opportunity to challenge the rejections. After the County transferred Jail operations from the Sheriff's Office to a newly created Department of Corrections, the court denied HRDC's preliminary-injunction motion because HRDC had not shown a sufficient risk of imminent harm. The County later served and HRDC accepted a Rule 68 offer of judgment for \$40,001, plus reasonable fees and costs, along with an agreement to place HRDC's Prison Legal News in the Jail library. HRDC sought \$179,862.50 in fees and \$4,128.85 in costs.

PROCEDURAL HISTORY

HRDC filed a civil-rights action alleging that Pacific County and related defendants maintained an unwritten policy or practice concerning prisoner mail that violated the First Amendment and Fourteenth Amendment Due Process Clause. The court denied HRDC's preliminary-injunction motion for failure to demonstrate standing for prospective relief, after the County transferred Jail oversight to a newly created county department. The County later made a Rule 68 offer of judgment, which HRDC accepted; HRDC obtained \$40,001 plus fees and costs against the County and dismissed the Sheriff's Office. The court granted in part and denied in part HRDC's ensuing fee motion.

DISPOSITION

other

REMAND INSTRUCTIONS

The parties were ordered to jointly file a proposed order conforming to the decision within ten business days.

CASES CITED

- *Stormans Inc. v. Selecky*, 906 F. Supp. 2d 1093, 1100 (W.D. Wash. 2012)
- *Hensley v. Eckerhart*, 461 U.S. 424, 433-34 (1983)
- *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008)
- *Abrams v. Sequium Asset Solutions, LLC*, 2023 WL 2757195, at *3 (W.D. Wash. Mar. 31, 2023)
- *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975)
- *City of Burlington v. Dague*, 505 U.S. 557 (1992)
- *Gonzales v. City of Maywood*, 729 F.3d 1196, 1209 n.11 (9th Cir. 2013)
- *Ballen v. City of Redmond*, 466 F.3d 736, 746 (9th Cir. 2006)
- *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008)

- Jordan v. Multnomah Cnty., 815 F.2d 1258, 1263 n.8 (9th Cir. 1987)
- Agster v. Maricopa County, 486 F. Supp. 2d 1005, 1012 (D. Ariz. 2007)
- Welch v. Metropolitan Life Ins. Co., 480 F.3d 942, 946 (9th Cir. 2007)
- Graves v. Penzone, 2020 WL 1984022, at *8 (D. Ariz. Apr. 27, 2020)
- Innovative Solutions International, Inc. v. Houlihan Trading Co., Inc., 2025 WL 949579, at *3 (W.D. Wash. Mar. 27, 2025)
- Bowers v. Transamerica Title Ins. Co., 675 P.2d 193, 203 (Wash. 1983)
- Ewing v. Glogowski, 394 P.3d 418, 422-23 (Wash. Ct. App. 2017)
- Cabrales v. County of Los Angeles, 935 F.2d 1050, 1053 (9th Cir. 1991)
- Bell v. Clackamas County, 341 F.3d 858, 868 (9th Cir. 2003)
- Barjon v. Dalton, 132 F.3d 496, 500 (9th Cir. 1997)
- Gates v. Deukmejian, 987 F.2d 1392, 1405 (9th Cir. 1992)
- Sorenson v. Mink, 239 F.3d 1140, 1145 (9th Cir. 2001)
- United Steelworkers of Am. v. Phelps Dodge Corp., 896 F.2d 403, 407 (9th Cir. 1990)
- Tole v. Amazon.com, Inc., 2025 WL 474248, at *5 (W.D. Wash. Nov. 5, 2025)

OPINION

Human Rights Defense Center v. Pacific County, et al.

PER CURIAM.

1 The Honorable Barbara J. Rothstein 2 3 4

5 UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

6 AT SEATTLE

7 Case No. 3:24-cv-6068-BJR

HUMAN RIGHTS DEFENSE CENTER,

8 ORDER GRANTING IN PART AND

Plaintiff, DENYING IN PART PLAINTIFF’S

9 MOTION FOR ATTORNEYS FEES

v. AND COSTS

10 PACIFIC COUNTY, et al., 11 12 Defendants. 13

I. INTRODUCTION

14 This matter comes before the Court on a Motion for Attorneys Fees and Costs filed by 15
Plaintiff Human Rights Defense Center (“HRDC”). Dkt. No. 41. Defendant Pacific County 16
opposes the Motion. Having reviewed the briefs filed in support of and in opposition to the 17
Motion, the exhibits, declarations, and caselaw relevant thereto, the Court finds and rules as 18
follows. 19

II. BACKGROUND

20 A. HRDC’s Allegations in this Lawsuit 21 HRDC is a not-for-profit charitable organization that

seeks “to educate prisoners and the 22 public” through “litigation, advocacy, and publication and/or distribution of books, magazines, 23

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1 and other information concerning prisons and the rights of incarcerated persons.” Dkt. No. 7, 2 Decl. of Paul Wright, ¶¶ 1-2. Since its founding in 1990, “HRDC has sent its publications to 3 prisoners and law librarians in more than 3,000 correctional facilities across the United States[.]” 4 Id., ¶ 13. Relevant here, HRDC alleges that it regularly mails magazines, books, and other 5 correspondence to individuals housed in the Pacific County Jail (“Jail”), located in Defendant 6 Pacific County (“the County”). HRDC asserts that in 2024 it sent more than 100 such mailings to 7 Jail inmates, and that Jail staff rejected them on at least 39 occasions. Id. ¶ 40. HRDC further 8 claims that the Jail provided no notice, explanation, or opportunity to challenge any rejection. Id. 9 ¶¶ 43, 52. 10 At the time, the Jail was operated by the Pacific County Sheriff’s Office (“the Sheriff’s 11 Office”), with Defendant Sheriff Garcia responsible for training and supervising Jail staff and 12 Defendant Mike Parker serving as Jail Commander. On December 30, 2024, HRDC filed a civil 13 rights lawsuit against the County, the Sheriff’s Office, Sheriff Garcia, and Mr. Parker 14 (collectively, “Defendants”), alleging that Defendants maintained an unwritten policy or practice 15 governing prisoner mail that violated the First Amendment and the Due Process Clause of the 16 Fourteenth Amendment. Dkt. No. 1, Compl. ¶ 4.33. 17 B. HRDC’s Motion for a Preliminary Injunction 18 Thereafter, on January 3, 2025, HRDC filed a motion for a preliminary injunction to 19 enjoin Defendants from, among other things, “censoring mail without due process of law.” 20 Compl., ¶ 6.2, Dkt. No. 5. The County opposed the motion, arguing that HRDC lacked standing 21 to seek a preliminary injunction and that its claims were moot. The County asserted that on

22 December 26, 2024, four days before HRDC filed its complaint, it passed Resolution 2024-056 23

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1 (“the Resolution”), which created a new Department of Corrections known as Pacific County Jail 2 Services. See Dkt. No. 22, Byrd Decl., ¶ 3, Ex. A. The Resolution removed authority over the 3 Jail’s operations and staff from the Sheriff’s Office and Sheriff Garcia and instead vested that 4 authority in the County’s Board of Commissioners. Byrd Decl., Ex. A. The County argued that 5 this change in the governing structure over the Jail’s operations so irrevocably changed the 6 circumstances that HRDC no longer faced a real or immediate threat that it would be wronged in 7 the manner it alleged in its complaint. 8 This Court agreed with the County and denied HRDC’s motion for a preliminary 9 injunction. Dkt. No. 30. While the Court determined that HRDC had

failed to meet its burden of 10 demonstrating that it had standing to obtain injunctive or other prospective relief at that time, the 11 Court noted that “emerging facts may demonstrate otherwise” as the “case unfolds.” Id. at 6. 12 C. Discovery 13 The parties proceeded to discovery, including serving written discovery requests on each 14 other. HRDC claims that the actions of the County and the other Defendants in the case 15 necessitated several discovery conferences and correspondence “to ensure that discovery 16 proceeded efficiently.” Dkt. No. 41 at 5. HRDC alleges that it also prepared for an in-person 17 FRCP 34 inspection of the Jail, a FRCP 30(b)(6) deposition of the County, and the depositions of 18 six individuals. However, it only ended up taking two depositions, that of James Byrd, the Jail’s 19 new Director, and Officer Delgado, a corrections officer at the Jail. Both depositions occurred on 20 June 27, 2025.

21 22 23

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1 D. The County Makes a Rule 68 Offer of Judgment 2 On July 1, 2025, the County served HRDC with a Rule 68 Offer of Judgment, which 3 HRDC accepted. Pursuant to the Rule 68 Offer and the parties’ stipulation, HRDC took judgment 4 against the County in the amount of \$40,001.00, plus attorneys’ fees and costs to be determined 5 by the Court, and unconditionally surrendered all claims against Sheriff Garcia and Mr. Parker.1 6 The County also agreed to subscribe to one copy of HRDC’s Prison Legal News Publication and 7 place the publication in the Jail library where it can be accessed by all inmates. 8 E. HRDC’s Motion for Attorneys’ Fees and Costs 9 HRDC requests \$179,862.50 in attorneys’ fees for work performed in this litigation 10 through October 7, 2025. See Dkt. No. 49 (“Second Chamberlain Dec.”) ¶ 1. This amount reflects 11 the following time entries for four attorneys and two paralegals: 12 • Jesse Wing, Attorney at MacDonald Hoague & Bayless (“MHB”), \$650/hour for 30.1 hours, for a total of \$18,888.50 13 • Katherine Chamberlain, Attorney at MHB, \$525/hour for 117 hours for a 14 total of \$61,452.00 15 • Nathaniel Flack, Attorney at MHB, \$400/hour for 121.4 hours for a total of \$48,560.00 16 • Jonathan Picard, Attorney at HRDC, \$500/hour for 56.2 hours or a total of 17 \$28,100.00 18 • Cristy Caldwell, Paralegal at MHB, \$200/hour for 25.7 hours for a total of \$5,140.00 19 20 21 22 1 The parties filed a stipulation of voluntary dismissal of the Sheriff’s Office pursuant to FRCP 41(a)(1)(A)(ii) on July 31, 2025. Dkt. No. 36. 23

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1 • Derek Gronquist, Paralegal at HRDC, \$225/hour for 124.1 hours for a total of \$27,922.50 2 See Dkt. No. 42 (“Chamberlain Dec.”), Exs. 1–2; Dkt. No. 43 (“Picard Dec.”), Exs. 1, 3; Dkt. No. 3 50 (“Third Chamberlain Dec.”), Exs. 1-3. HRDC also seeks \$4,128.85 in costs. Second 4

Chamberlain Dec. at ¶ 1. 5

III. LEGAL STANDARD

6 The party seeking an award of attorneys' fees bears the burden of proving reasonableness 7 of the award. *Stormans Inc. v. Selecky*, 906 F. Supp. 2d 1093, 1100 (W.D. Wash. 2012). The 8 "most useful starting point" for determining the reasonableness of an attorneys' fee award is the 9 lodestar calculation—"the number of hours reasonably expended on the litigation multiplied by a 10 reasonable hourly rate." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The resulting lodestar 11 figure is presumed to represent a reasonable fee, though the court may adjust it upward or 12 downward after considering various factors known as the Kerr factors.³ *Camacho v. Bridgeport 13 Fin., Inc.*, 523 F.3d 973, 978 (9th Cir. 2008). However, courts are cautioned not to apply the Kerr 14 factors reflexively in every case because the lodestar carries a "strong presumption" of 15 reasonableness. *Abrams v. Sequium Asset Solutions, LLC*, 2023 WL 2757195, at *3 (W.D. Wash. 16 Mar. 31, 2023). The Ninth Circuit presumes that the initial lodestar calculation already 17 18 19 2 HRDC agreed to reduce the billed amount by \$5,250.00 after reviewing the County's opposition brief. See Third Chamberlain Dec. at ¶ 1. The requested amount also includes .7 hours for Attorney Timothy Ford. Chamberlain Dec., Ex. 1. 20 3 The Kerr factors include (1) the time and labor required; (2) the novelty and difficulty of the questions involved;

(3) the skill required to perform the legal service properly; (4) the preclusion of other employment by the attorney

21 due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, 22 reputation, and ability of the attorney(s); (10) the "undesirability" of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases. *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975), abrogated on other grounds by *City of Burlington v. Dague*, 505 U.S. 557 (1992). 23

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1 incorporates considerations such as the novelty and complexity of the issues, counsel's skill and 2 experience, the quality of representation, the results obtained, and the contingent nature of the fee 3 agreement. *Id.* (citing *Gonzales v. City of Maywood*, 729 F.3d 1196, 1209 n.11 (9th Cir. 2013)); 4 see also *Ballen v. City of Redmond*, 466 F.3d 736, 746 (9th Cir. 2006) ("We have previously said 5 that only in rare circumstances should a court adjust the lodestar figure, as this figure is the 6 presumptively accurate measure of reasonable fees.").

7 IV. DISCUSSION

8 HRDC asserts two independent grounds for an award of attorney's fees and costs. First, 9 HRDC contends that, as the prevailing party in this civil rights action, it is entitled to recover 10 reasonable attorneys' fees under 42 U.S.C. § 1988. Second, HRDC relies on the parties' stipulated

11 judgment that expressly provides that HRDC is entitled to “reasonable attorney’s fees and costs
as 12 subsequently determined by the Court.” Dkt. No. 37 at (a). The County does not dispute
HRDC’s 13 entitlement to recover fees and costs; it challenges only the amount sought. The
County argues 14 that both the number of hours billed, and the hourly rates charged by HRDC’s
counsel are 15 unreasonable and urges the Court to significantly reduce HRDC’s fee recovery. 16
A. Whether the Number of Hours Requested by HRDC’s Attorneys Is Reasonable 17 A court
“typically defers ‘to the wining lawyer’s professional judgment as to how much 18 time he was
required to spend on the case,’” *Abrams v. Sequim Asset Solutions, LLC*, 2023 WL 19 2757195, at
*6 (W.D. Wash. Mar. 31, 2023) (quoting *Moreno v. City of Sacramento*, 534 F.3d 20 1106, 1112
(9th Cir. 2008)), “but it does not ‘uncritically accept counsel’s representation 21 concerning the
time expended,’” *Id.* (quoting *Jordan v. Multnomah Cnty.*, 815 F.2d 1258, 1263 22 n. 8 (9th Cir.
1987)). In assessing the number of hours “reasonably expended,” courts consider 23

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1 whether the time billed was “excessive, redundant, or otherwise unnecessary.” *Hensley*, 461 U.S.
2 at 434; *Welch v. Metropolitan Life Ins. Co.*, 480 F.3d 942, 946 (9th Cir. 2007) (courts may 3
exclude hours that are excessive, redundant, or unnecessary in determining the reasonableness of 4
time expended). In making this determination, a court “should weigh the hours claimed” against 5
its “own knowledge, experience, and expertise of the time required to complete similar activities.”
6 *Selecky*, 906 F. Supp. 2d at 1101 (quoting *Agster v. Maricopa County*, 486 F. Supp. 2d 1005, 7
1012 (D. Ariz. 2007)). Attorneys seeking fees must also provide sufficiently detailed 8
documentation of the tasks performed to allow the court to evaluate the reasonableness of the 9
hours claimed. *Hensley*, 461 U.S. at 433. Where the submitted documentation is inadequate, the 10
court may reduce the award accordingly. *Id.* 11 Here, HRDC seeks reimbursement for 475.2 hours
expended by its legal team on this 12 litigation through October 2025. See *Chamberlain Dec.*, Exs.
1–2; *Picard Dec.*, Exs. 1, 3; *Third 13 Chamberlain Dec.*, Exs. 1–3. The County argues that 475
hours is an unreasonable amount of time 14 to spend on this case. It alleges that HRDC
unreasonably “overstaff[ed]” the case with four 15 attorneys and two paralegals, which led to
unnecessary and duplicative work being done by its 16 legal team. It further contends that the
Court should reduce the hours claimed due to counsels’ use 17 of “block billing,” which makes it
difficult to discern the time spent on specific tasks. The County 18 also objects to the more than 76
hours billed for preparing and filing HRDC’s unsuccessful 19 preliminary injunction motion. See
Dkt. No. 46 at 9–10. The Court addresses each of the County’s 20 objections in turn. 21 22 23

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1 1. Alleged Overstaffing 2 The Court agrees with the County that this matter did not require a

litigation team of four 3 attorneys and two paralegals, and further finds that expending more 475 hours on this case is 4 excessive. Nothing in the record justifies such staffing or billing levels, and HRDC offers no 5 adequate explanation for them. Indeed, HRDC affirmatively represented that this was not a 6 complex case. See Dkt. No. 27 at 1 (“Plaintiff does not believe the case to be complex.”). The 7 litigation has been pending for less than a year, includes only 50 docket entries (19 of which 8 relate to the voluntary settlement and the instant motion), involved a single substantive motion, 9 and entailed limited discovery. 10 Rather than substantively addressing its staffing decisions, HRDC focuses on disputing 11 the County’s characterization of the number of attorneys and firms involved (asserting that it did 12 not retain two law firms and that the County mistakenly identified a paralegal as an attorney). 13 Based on the Court’s experience, however, this case could have been handled effectively and 14 efficiently by two attorneys and one paralegal, with substantially fewer hours expended. 15 Accordingly, the Court will consider the hours billed by HRDC’s in-house counsel (Mr. Picard) 16 and paralegal (Mr. Gronquist) prior to the filing of this lawsuit (December 30, 2024), and only the 17 hours claimed by the two attorneys who billed the most time (Katherine Chamberlain and 18 Nathaniel Flack) and one paralegal (Ms. Caldwell), after the case was filed. 19 2. Time Spent Collaborating, Supervising, and Reviewing Work 20 The County objects to time billed by HRDC’s counsel to review, revise, and supervise the 21 work of the associate attorney (Mr. Flack) on the case, as well as for time spent conferencing and 22 collaborating. See Dkt. No. 46 at 7 (specifically objecting to a total of .5 hours billed for 23 ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF’S MOTION FOR ATTORNEYS

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1 “review[ing]” Mr. Flack’s work and “instruct[ing]” Mr. Flack to request that defense “accept 2 service of process”). The Court rejects the County’s objection to this billing practice. It is 3 reasonable and indeed preferable that a seasoned attorney delegate tasks to junior associates in 4 order to provide cost-effective services to their clients. This, of course, necessitates some 5 supervision by those delegating the work and the County has failed to establish that HRDC’s 6 counsel did so excessively. See, e.g., *Graves v. Penzone*, 2020 WL 1984022, *8 (D. Ariz. April 7 27, 2020) (“Clients should not be charged for general training of junior lawyers” but delegating 8 work is cost-effective and “necessitates supervision on the part of those delegating work”). 9 Likewise, it is appropriate for the attorneys on a legal team to discuss and strategize about the 10 case. See *Abrams v. Sequim Asset Solutions, LLC*, 2023 WL 2757195, at *10 (W.D. Wash. Mar. 11 31, 2023) (attorney time spent strategizing, discussing case activities, and updating each other on 12 development is compensable). Thus, the Court does not discount HRDC’s counsels’ time spent 13 collaborating and/or supervising and reviewing work. 14 3. Alleged Use of Block Billing 15 An attorney seeking fees “must provide reasonable documentation of the work 16 performed.” *Innovative Solutions International, Inc. v. Houlihan Trading Co., Inc.*, 2025 WL 17 949579, *3 (W.D. Wash. March 27, 2025) (quoting *Bowers v. Transamerica Title Ins. Co.*, 675 18 P.2d 193,

203 (Wash. 1983)). The documentation does not need to be exhaustive or in minute detail, but it must inform the court of the type of work performed and the category of attorney who performed the work. *Id.* Therefore, a court should discount for entries that are unreasonably block-billed or so vague that they affect a court’s ability to assess the reasonableness of the fees requested. *Id.* (citing *See Ewing v. Glogowski*, 394 P.3d 418, 422–423 (Wash. Ct. App. 2017)).

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1 (affirming fee discount where trial court found “entries which cannot be attributed because they 2 are vague or blank”)). 3 The County contends that “vast swaths of HRDC’s bills—and those of Mr. Flack in 4 particular—reflect block billing that makes it difficult to determine the amount of time spent on 5 particular tasks.” Dkt. No. 46 at 9. On that basis, the County asks the Court to “reduce these block 6 billed fees.” *Id.* Having carefully reviewed the submitted timesheets, the Court disagrees with the 7 County’s characterization. The entries for Mr. Flack, Mr. Picard, and Ms. Chamberlain identify 8 the billing attorney, adequately describe the work performed, and specify the time spent on each 9 task. Accordingly, the Court declines to reduce their hours on the basis of alleged block billing. 10 The Court does find, however, that several of Mr. Gronquist’s entries are too vague to 11 permit a meaningful assessment of their reasonableness. These entries therefore are not 12 compensable. The Court strikes the following entries for Mr. Gronquist: 13 • 5/22/24 – “Processing outreach” 14 • 5/29/24 – “Processing evidence” 15 • 6/06/24 – “Processing evidence” 16 • 7/08/24 – “Processing evidence” 17 • 9/11/24 – “Processing evidence” 18 • 9/13/24 – “Investigating censorship” 19 • 9/24/24 – “Investigating censorship” 20 • 9/25/24 – “Investigating censorship” 21 • 10/08/24 – “Investigating censorship” 22 • 10/14/24 – “Processing evidence” 23

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1 • 11/18/24 – “Investigating censorship” 2 • 11/20/24 – “Evidence review” 3 • 11/21/24 – “Evidence review” 4 Dkt. No. 43, Ex. 1. Mr. Gronquist’s remaining time entries through December 29, 2024 are 5 compensable. 6 3. Hours Expended on Motion for Preliminary Injunction 7 The County further urges the Court to disallow fees for time HRDC spent litigating its 8 unsuccessful motion for a preliminary injunction, asserting that such fees “are not properly 9 chargeable” to the County. Relying on *Cabralles v. County of Los Angeles*, 935 F.2d 1050 (9th 10 Cir. 1991), HRDC argues that it is entitled to recover these fees under established Ninth Circuit 11 precedent. In *Cabralles*, the plaintiff secured a \$150,000 jury verdict in her civil rights action. 12 After the defendant sought certiorari, the Supreme Court vacated the judgment and remanded for 13 reconsideration in light of intervening authority. The Ninth Circuit concluded the new authority 14 was inapposite and reinstated the judgment. The defendant again sought certiorari, which the

15 Supreme Court denied. The plaintiff then sought attorney's fees, including fees incurred in 16 opposing the initial certiorari petition. Although the plaintiff had been unsuccessful at that stage, 17 the Ninth Circuit held that the fees were recoverable, observing: "Rare, indeed, is the litigant who 18 doesn't lose some skirmishes on the way to winning the war." *Id.* at 1053. HRDC contends that 19 the same reasoning applies here, asserting that although it did not prevail on its preliminary 20 injunction motion, the work contributed to its overall success and is therefore compensable. 21 HRDC, however, overlooks a key limitation recognized in *Cabrales*: a prevailing civil 22 rights plaintiff may recover fees for an unsuccessful phase of litigation only if that phase "was a 23 ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR ATTORNEYS

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1 necessary step to her ultimate victory." *Id.* Unlike the defense against certiorari in *Cabrales*, 2 HRDC's preliminary injunction motion was neither warranted nor necessary to its ultimate 3 success. As noted above, four days before HRDC filed its complaint, the County passed a 4 resolution transferring oversight of the Jail and its correspondence policies away from the 5 Sheriff's Office; the resolution became effective on January 1, 2025, one day before service of the 6 complaint and two days before HRDC filed its preliminary injunction motion. The County 7 notified HRDC of this legislative change and asked HRDC to withdraw the motion to avoid 8 unnecessary fees, claiming that the motion had become moot. Dkt. No. 47, "Throgmorton Dec." 9 Ex. A. HRDC declined to do so and ultimately lost the motion because it could not demonstrate a 10 risk of imminent harm in light of the administrative change. HRDC now argues that the County 11 acted only because HRDC filed suit; even if that were true, the preliminary injunction motion 12 itself was not a necessary step in securing HRDC's ultimate relief. Accordingly, the Court 13 concludes that HRDC is not entitled to recover fees incurred on the preliminary injunction motion 14 after January 22, 2025, the date it received notice that the County had taken corrective action in 15 response to this litigation. 16 4. Fees on Fee Litigation 17 HRDC seeks \$25,022.50 in fees for work it expended on the instant motion. This Court 18 has already reduced this amount by \$2,292.50 to \$22,730.00 (by eliminating time spent by 19 Attorneys Wing and Picard and Paralegal Gronquist on the fee petition) *supra*. The Court finds 20 that this amount is still excessive for a simple fee petition and therefore reduces the amount of 21 compensable fees for fee litigation to \$19,000.00 total. 22 23

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1 B. Whether HRDC's Counsel Charged a Reasonable Rate 2 Having determined the reasonable number of hours billed in this matter, this Court must 3 now determine whether the hourly rates charged by HRDC's attorneys are reasonable. A 4 reasonable hourly rate is derived from the "prevailing market rates in the relevant community," 5 *Bell v. Clackamas County*, 341 F.3d 858,

868 (9th Cir. 2003), and the “relevant community” is 6 the forum in which the case was brought. *Barjon v. Dalton*, 132 F.3d 496, 500 (9th Cir. 1997); see 7 also, *Gates v. Deukmejian*, 987 F.2d 1392, 1405 (9th Cir. 1992) (rates of comparable attorneys in 8 the forum district are usually used to determine reasonable hourly rates). The moving party bears 9 the burden of establishing the prevailing market rate. *Sorenson v. Mink*, 239 F.3d 1140, 1145 (9th 10 Cir. 2001). This burden can be satisfied with “[a]ffidavits of the plaintiffs’ attorney and other 11 attorneys regarding prevailing fees in the community” as well as evidence of “rate determinations 12 in other cases, particularly those setting a rate for the plaintiffs’ attorney[.]” *United Steelworkers 13 of Am. v. Phelps Dodge Corp.*, 896 F.2d 403, 407 (9th Cir. 1990). 14 HRDC seeks \$400 per hour for Mr. Flack. Mr. Flack has practiced civil rights and 15 employment litigation since 2021. HRDC seeks \$500 per hour for Mr. Picard who has practiced 16 law since 2013, including six years as an Assistant Attorney General for the State of Florida. He 17 became in-house counsel for HRDC in 2024. HRDC seeks \$525 per hour for Ms. Chamberlain 18 who has practiced civil rights and employment law for over twenty years. Lastly, HRDC seeks 19 \$200 per hour for Ms. Caldwell who has been a paralegal for approximately twenty years and 20 \$225 per hour for Mr. Gronquist who has been a paralegal with HRDC since 2023 and prior to 21 that, owned a paralegal business and ran a nonprofit corporation. 22 23

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1 In support of the foregoing rates, HRDC presents the declarations of Erik Heipt and Toby 2 Marshall, two attorneys who represent clients in civil rights matters in this District, and who 3 testify that the hourly rates requested by the foregoing attorneys and paralegals are reasonable. 4 Dkt. No. 44, “Heipt Dec.”; Dkt. No. 45 “Marshall Dec.”. HRDC also presents evidence that 5 numerous judges in this District and King County Superior Court have approved the requested 6 rates for Ms. Chamberlain, Mr. Flack, and Ms. Caldwell. See *Chamberlain Dec.* at ¶¶ 29-33, 39- 7 43. In addition, HRDC presents evidence that at least two federal courts (outside this District) 8 have awarded Mr. Picard and Mr. Gronquist fees far in excess of the hourly rate requested in this 9 case. See *Picard Dec.* at ¶¶ 6-9. 10 The County contends that the hourly rates for Messrs. Flack and Picard should be capped 11 at \$375, and that Ms. Chamberlain’s rate should be reduced to \$450.4 In support, the County 12 relies on a single, distinguishable case from this District while disregarding the other authority 13 cited by HRDC in which courts have approved these same attorneys’ rates in this forum.5 The 14 County likewise fails to address the Heipt and Marshall declarations. In short, the County has not 15 meaningfully rebutted HRDC’s evidence demonstrating that the requested rates are reasonable. 16 Therefore, the Court finds the rates reasonable in light of the prevailing market for the relevant 17 forum. Attorneys Flack, Picard, and Chamberlain are awarded fees at the hourly rates requested.6 18 19 4 The County does not challenge the requested rates for Ms. Caldwell and Mr. Gronquist. 20 5 The County cites to *Tole v.*

Amazon.com, Inc., a recent USERRA case from this District in which the judge declined to award the requested rates of \$1,200, \$900, and \$600 because counsel had failed to provide adequate evidentiary support for the rates. 2025 WL 474248, *5 (W.D. Wash. Nov. 5, 2025) (noting that customarily counsel “will provide a declaration from an attorney based in Washington who knows counsel’s work in general and their 22 work on the matter in question and who will opine on whether their requested rates are reasonable and in line with an attorney of their skill, expertise, and reputation for this locality”). 6 The County does not dispute Plaintiff’s requested costs of \$4,128.85; the Court will award these costs. 23

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1 V. CONCLUSION

2 For the foregoing reasons, the Court HEREBY GRANTS in part and DENIES in part 3 Plaintiff’s Motion for Attorneys Fees and Costs. The Court RULES that: 4 1. Plaintiff is awarded attorney’s fees as follows: 5 a. Attorney Picard for work completed on this litigation September 4, 2024 through December 29, 2024 at a rate of \$500 per hour; 6 b. Paralegal Gronquist for work completed on this litigation May 22, 7 2024 through December 29, 2024, except for the time entries disallowed by this Court noted supra, at a rate of \$225 per hour; 8 c. Attorney Flack for work completed on this litigation December 30, 2024 through July 31, 2025 at a rate of \$400 per hour, except for 9 work expended on the preliminary injunction motion after January 22, 2025; 10 d. Attorney Chamberlain for work completed on this litigation 11 December 30, 2024 through July 31, 2025 at a rate of \$525 per hour, except for work expended on the preliminary injunction 12 motion after January 22, 2025; and 13 e. Paralegal Caldwell for work completed on this litigation December 30, 2024 through July 31, 2025 at a rate of \$200 per hour, except 14 for work expended on the preliminary injunction motion after January 22, 2025. 15

2. Plaintiff is awarded \$18,000.00 total for attorney’s fees related to the fee litigation;

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3. Plaintiff is awarded costs in the amount of \$4,128.85; and

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3. The parties shall jointly file a proposed order that comports with the terms of this 18 decision within ten business days of the date of this order. 19 DATED this 26th day of November 2025. 20 A 21 B arbara Jacobs Rothstein 22 U.S. District Court Judge 23

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