

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, et al.,

Defendants.

Civil Action No. 1:17-cv-998-PLF

**[PROPOSED] ORDER**

This matter comes before the Court on Plaintiffs' April 9, 2021 Motion for Attorney's Fees, Expenses, and Costs Pursuant to the Equal Access to Justice Act ("Motion").

Upon consideration of the Motion, the papers filed in support of and in opposition to the Motion, the arguments of counsel, and all other pleadings and papers on file herein, the Court holds that:

1. Plaintiffs are "prevailing parties" in this action;
2. Defendants' conduct was in bad faith, and an award of attorneys' fees pursuant to 28 U.S.C. § 2412(b) is warranted;
3. Further, Defendants have failed to demonstrate that their positions were substantially justified within the meaning of 28 U.S.D. § 2412(d);
4. Defendants have failed to show any "special circumstances" rendering an award of fees unjust;
5. Each Plaintiff is an individual whose net worth did not exceed \$2 million at the time the civil action was filed;
6. The number of hours upon which Plaintiffs' base their fee request is reasonable;

7. Plaintiffs are entitled to recover attorney's fees at market rates pursuant to 28 U.S.C. § 2412(b) and § 2412(d), which the Court will calculate based on the rates set out in the LSI Laffy Matrix; and
8. Plaintiffs are entitled to recover their actual costs and other expenses as set forth in the Motion.

Good cause appearing therefor, the Court will GRANT the Motion. Plaintiffs are awarded \$9,757,453 in attorney's fees and \$34,147 in costs and other expenses, for a total award of \$9,791,600. Defendants are ordered to pay the awarded amount to Plaintiffs within 30 days of the date of this order.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Paul L. Friedman  
U.S. District Court Judge