

FILED
U.S. DISTRICT COURT IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND FOR THE DISTRICT OF MARYLAND
Northern Division

2014 JAN 31 P 4: 24

CARMEN THOMPSON, et al.,

CLERK'S OFFICE
AT BALTIMORE

Plaintiffs,
BY _____ DEPUTY

v.

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT,
et al.,

Defendants.

*
*
* Civil Action No. MJG 95-309

*
*
*

* * * * *

**NOTICE OF MOTION FOR AN AWARD
OF ATTORNEYS' FEES AND COSTS**

**TO: AFRICAN-AMERICAN RESIDENTS OF BALTIMORE CITY
FAMILY PUBLIC HOUSING WHO HAVE LIVED (OR MAY LIVE) IN
BALTIMORE CITY FAMILY PUBLIC HOUSING UNITS AT ANY TIME
BETWEEN JANUARY 31, 1995 AND JANUARY 1, 2027.**

If you are African-American and have lived in Baltimore City Family Public Housing at any time since January 31, 1995, or may live there at any time prior to January 1, 2027, you may be part of a Class Action civil rights lawsuit. The Defendants include the United States Department of Housing and Urban Development ("HUD"), the City of Baltimore, and the Housing Authority of Baltimore City ("HABC"). The parties to the lawsuit previously reached a settlement of the lawsuit, which was approved by the United States District Court as fair, adequate, and reasonable.

Plaintiffs' counsel are now asking the District Court to award them reasonable attorneys' fees and costs, to be paid by the Federal Government, for their work on this lawsuit. This Notice of Motion for an Award of Attorneys' Fees and Costs ("Motion") describes the request for attorneys' fees and costs.

What is the case about?

This lawsuit is a civil rights class action that was filed in January 1995. It charged that the Defendants created and continued a racially segregated system of public housing in Baltimore City that violated the United States Constitution, the Fair Housing Act, and other civil rights laws. The Plaintiff Class of African-American past, present, and future residents of Baltimore City Family Public Housing claimed that the Defendants discriminated on the basis of race by locating public housing units only in areas that were predominantly minority and where poverty and assisted housing were concentrated.

Certain parts of the case were settled by the parties through a Partial Consent Decree that was approved by the District Court on June 25, 1996. In January 2005, the District Court ruled that HUD, but not Baltimore City or HABC, had violated a provision of the Fair Housing Act by failing to consider regional desegregation and integration policies and by failing to take affirmative steps to promote fair housing. The District Court deferred judgment on the Plaintiffs' constitutional claims until a later phase of the case. The Court held an additional trial in the spring of 2006 to address the remaining issues in the case regarding HUD, including appropriate relief for these alleged violations of federal law. The District Court also reopened the record to consider additional evidence regarding the Fair Housing Act violation. After extensive negotiations among the parties, a settlement agreement was reached and presented to the District Court for its approval, and has now been approved. The settlement was a compromise of disputed claims, and all Defendants deny that they violated the law. This Notice of Motion for an Award of Attorneys' Fees and Costs is not an expression of any opinion by the Court about the merits of any part of the lawsuit.

What are the key elements of the settlement that the court approved?

HUD has agreed to take certain steps to increase residential housing choices for members of the Plaintiff Class, including:

- **Regional Housing Opportunities.** HUD will continue the successful mobility program launched under the *Thompson* Partial Consent Decree, which has provided Housing Choice Vouchers and high-quality housing counseling to assist more than 1,800 families who have voluntarily chosen to move from areas of concentrated poverty in Baltimore City to Communities of Opportunity (neighborhoods with better schools, lower crime, and more

jobs) in Baltimore City and throughout the Baltimore Region. The continued program will fund vouchers and counseling for up to 2,600 additional families over seven years, as described below.

- **Incentives for Affordable Housing Development.** HUD will seek to provide incentives for private housing developers who seek mortgage insurance offered by the Federal Housing Administration to produce affordable multifamily housing in Communities of Opportunity throughout the Baltimore Region.
- **On-line Housing Locator.** HUD will develop an online listing to provide assistance to families in locating public housing and other affordable housing opportunities throughout the Baltimore Region.
- **Regional Opportunity Study.** HUD will sponsor a study of housing opportunity throughout the Baltimore region.
- **Civil Rights Reviews.** For a period of at least three years, HUD will conduct civil rights reviews of particular proposals submitted to HUD for approval, involving certain federally funded housing and community development programs in the Baltimore Region. In these reviews, HUD will pay particular attention to the impact of the proposals, individually and collectively, on the creation of a broader geographic distribution of desegregative housing available to the Plaintiff Class.

In addition, the settlement provided for completion of the Defendants' remaining obligations to develop and/or provide housing opportunities as required by the *Thompson* Partial Consent Decree and related Court orders. Most of these housing opportunities have been completed, but a few projects are still in progress. For instance, the settlement provided for:

- the use of funds previously set aside for the Partial Consent Decree to develop approximately 120 project-based voucher units throughout the Baltimore Region;
- funding for approximately 15 additional *Thompson* homeownership units, and up to 55 homeownership units in total; and

- the development of approximately 100 units of scattered-site housing in Baltimore City intended to replace some of the units that were demolished in 2000 at the Hollander Ridge development operated by HABC.

What is this Motion about?

The attorneys representing Plaintiffs in this case are asking the District Court to award them reasonable attorneys' fees and costs for their work on this lawsuit from 1996 to 2013. The requested fees and costs are to be paid by HUD at no cost to Plaintiffs. The attorneys are not seeking any fees or costs from the Plaintiff Class.

The attorneys representing Plaintiffs are experienced in complex federal litigation, including class actions and civil rights cases, from private law firms in Baltimore, Washington, D.C., and New York, as well as from two leading public interest organizations. A list of the law firms, organizations, and attorneys representing the Plaintiff Class is included on the last page of this Notice. Other than compensation for work related to the Partial Consent Decree, Plaintiffs' counsel have received no fee payments for over 35,000 hours of attorney time invested in this case during the 19 years that this case has been pending. The Federal Government has agreed to pay Plaintiffs' counsel \$6.3 million in attorneys' fees, expenses, and costs.

An award of attorneys' fees and costs will not reduce, delay, or otherwise affect the *Thompson* Voucher Mobility Program or the other remedies provided to the Plaintiff Class described above.

What should I do in response to this Notice?

You do not need to take any action in response to this Notice. However, you may provide written comments about the proposed award to Plaintiffs' counsel of attorneys' fees, costs, and expenses to be paid by the Federal Government.

If you just wish to submit written comments, please complete and deliver (by mail, private delivery service, or personal delivery) your written comments by March 27, 2014 to:

Housing Case Settlement Clerk
Room 4228
United States Courthouse
101 West Lombard Street
Baltimore, MD 21201

The Court will consider any timely comments received and decide whether a hearing is necessary to determine the amount to include in the Final Judgment.

How can I learn more about the case or the Motion?

This Notice is not meant to provide a complete description of the lawsuit, the settlement agreement, or the request for attorneys' fees and costs.

The entire Motion for Approval of Settlement of Attorneys' Fees and Expenses may be obtained on the following websites:

**www.naacpldf.org/case-issue/thompson-v-hud
www.aclu-md.org/our_work/fair_housing**

In addition, the entire settlement agreement is available on those websites.

If you have questions about the settlement or the Motion, you may contact the following civil rights organizations, which serve as counsel for the Plaintiff Class, by telephone or email:

- the ACLU of Maryland (Barbara Samuels, (443) 376-8020, or samuels@aclu-md.org); or
- the NAACP Legal Defense & Educational Fund, Inc. (Joshua Civin, 202-682-1300 or jcivin@naacpldf.org).

You may, of course, seek the advice and guidance of your own attorney if you desire.

Who are the attorneys representing the class?

The attorneys representing the members of the Plaintiff Class include:

Barbara A. Samuels
ACLU of Maryland
3600 Clipper Mill Rd, Suite 350
Baltimore, MD 21211

Andrew D. Freeman
Brown, Goldstein & Levy, LLP
120 E. Baltimore Street, Suite 1700
Baltimore, MD 21202

Joshua Civin
NAACP Legal Defense &
Educational Fund, Inc.
1444 I Street, NW, 10th floor
Washington, DC 20005

Peter Buscemi
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004

Robert H. Stroup
Levy Ratner, P.C.
80 Eighth Avenue, 8th floor
New York, NY 10011

Ria Tabacco Mar
NAACP Legal Defense &
Educational Fund, Inc.
99 Hudson Street, 16th floor
New York, NY 10013

ISSUED THIS 31st DAY OF January, 2014

/s/
Felicia Cannon, Clerk
United States District Court