

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i> ,))	
))	
Plaintiffs,))	
))	Civil Action No. 08-01289 (JEB)
v.))	
))	
DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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**JOINT MOTION FOR AN ORDER
DIRECTING PAYMENT OF EXPERT FEES FOR GARY D. KLECK**

Pursuant to Fed. R. Civ. P. 7(b) and 26(b)(4)(E)(i), the Parties hereby move this Honorable Court for an order directing the payment of fees to plaintiffs’ rebuttal expert, Gary D. Kleck.

The Parties’ Memorandum of Points and Authorities in support of this request is attached hereto and incorporated by reference herein. A proposed Order also is attached hereto.

DATE: July 17, 2013

Respectfully submitted,

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
THE JOINT MOTION FOR AN ORDER
DIRECTING PAYMENT OF EXPERT FEES FOR GARY D. KLECK**

The Parties, by and through undersigned counsel, respectfully submit this Memorandum of Points and Authorities in Support of their Joint Motion for an Order Directing Payment of Expert Fees for Gary D. Kleck, pursuant to Fed. R. Civ. P. 7(b) and 26(b)(4)(E)(i). A proposed Order is attached hereto.

In support of the instant motion, and for their good cause shown, the Parties state as follows:

1. On May 20, 2013, pursuant to Rule 26(a)(2) and the Scheduling Order, the Plaintiffs provided rebuttal expert reports from Gary D. Kleck.
2. On July 2, 2013, the District deposed Dr. Kleck, who submitted his invoice the following day, reflecting charges of \$3,325.00 for his preparation and deposition testimony, which the District agrees is reasonable.
3. Although the District prepared a purchase order in advance for Dr. Kleck’s time, the purchase order was insufficient to cover the full amount. Consequently, pursuant to D.C. Official

Code § 2-359.01(b) (2011 Repl.), a court order is required to compensate Dr. Kleck for the full amount of his preparation and testimony time.

4. Based on the above, the Parties respectfully request that this Honorable Court enter an order pursuant to Fed. R. Civ. P. 26(b)(4)(E)(i), to direct the District to pay Dr. Kleck's reasonable fees in the amount of \$3,325.00 within 30 days of the issuance of the order.

DATE: July 17, 2013

Respectfully submitted,

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