

FILED

SEP 24 2018

Judge Domenica Stephenson-1987

STATE OF ILLINOIS) SS.
COUNTY OF COOK)

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION**

**PEOPLE OF THE STATE OF ILLINOIS,)
)
v.)
)
DAVID MARCH,)
JOSEPH WALSH, and)
THOMAS GAFFNEY,)
)
Defendants.)**

**Case No. 17 CR 9700
FILED UNDER SEAL
FOR *IN CAMERA* REVIEW**

**SPECIAL PROSECUTOR'S
PETITION FOR ATTORNEY'S FEES AND LITIGATION EXPENSES**

Patricia Brown Holmes, as Special Prosecutor in this matter, respectfully requests that the Court enter orders requiring Cook County to pay for attorney's fees and litigation expenses incurred in this matter from June 1, 2017 through January 31, 2018. In support of this Petition, the Special Prosecutor states as follows:

1. This Court appointed Patricia Brown Holmes as the Special Prosecutor "to investigate and determine whether charges should be filed against any Chicago Police Department personnel involved in connection with the shooting incident which resulted in the death of LaQuan McDonald[.]" July 29, 2016 Order at 1, ¶ 2.

2. This Court further ordered that "the Special Prosecutor shall be paid reasonable compensation for the time and effort spent in the investigation and prosecution of this matter as well as any related costs, fees, and expenses; with the reasonable compensation of the Special Prosecutor's assistant prosecutors, investigators, administrative personnel and other staff being herein considered. It is understood that the Special Prosecutor will utilize the office of Riley, Safer,

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Holmes, and Cancila LLP, the firm of which she is a partner, in the performance of her duties.” *Id.* at 2, ¶ 6.

3. Section 3-9008(c) of the Counties Code requires that, “Prior to the signing of an order requiring a county to pay for attorney’s fees or litigation expenses, the county shall be provided with a detailed copy of the invoice describing the fees, and the invoice shall include all activities performed in relation to the case and the amount of time spent on each activity.” 55 ILCS 5/3-9008(c). Contemporaneous with this filing, the Special Prosecutor is providing a detailed copy of the invoice setting forth the attorney’s fees and expenses, and all activities performed in relation to the case and the amount of time spent on each activity for *in camera* review.

4. The Special Prosecutor has taken care to negotiate significantly reduced hourly rates from all professionals providing services in this matter and has negotiated discounted litigation expenses. Such attorney’s fees and litigation expenses are fair and reasonable. **The Special Prosecutor has further voluntarily discounted her rates and absorbed the cost of several reasonably incurred expenses, as indicated below to reflect concerns regarding the County budget.**

5. Between June 1, 2017 and January 31, 2018, the Special Prosecutor has reasonably and actually incurred attorney’s fees and litigation expenses, including for time incurred by all professionals engaged in this matter, in the following amounts:

	Description of Charge	Original Amount	Discounted Amount
1	Professional Fees – Special Prosecutor	\$ 7,500.00	\$ 7,500.00
2	Professional Fees – Assistant Special Prosecutors	\$ 52,552.50	\$ 52,552.50
3	Professional Fees – Paralegals and Law Clerks	\$ 7,525.00	---
4	Expenses/Costs – Garrity Consultant	\$ 75.00	\$ 75.00
5	Expenses/Costs – Court Reporter	\$ 96.00	\$ 96.00
6	Expenses/Costs – eDiscovery Processing and Hosting	\$ 15,154.08	\$ 15,154.08
		\$ 82,902.58	\$ 75,377.58

6. A summary of the invoice for June 1, 2017 through January 31, 2018¹, describing the Special Prosecutor and Assistant Special Prosecutors' attorney's fees and litigation expenses under Section 3-9008(c) incurred in this matter is attached hereto as Exhibit A.

7. A Proposed Order requiring Cook County to pay for attorney's fees and litigation expenses incurred in this matter from June 1, 2017 through January 31, 2018 is attached hereto as Exhibit B.

WHEREFORE, Patricia Brown Holmes, as Special Prosecutor in this matter, respectfully requests that the Court enter an order requiring Cook County to pay for attorney's fees and litigation expenses incurred in this matter from June 1, 2017 through January 31, 2018 (Exhibit B).

Dated: March 6, 2018

Respectfully submitted,



Patricia Brown Holmes
Special Prosecutor
Office of the Special Prosecutor
Riley Safer Holmes & Cancila LLP
Three First National Plaza
70 W. Madison Street, Suite 2900
Chicago, Illinois 60602
(312) 471-8700 (tel)
(312) 471-8701 (fax)
Atty. No. 60128

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¹At the Court's January 2018 hearing, the Court instructed the Special Prosecutor to submit bills on a bi-monthly basis. Thus, the Special Prosecutor is submitting this invoice for all time incurred prior to January 31, 2018 and will submit invoices on a bi-monthly basis going forward.

Exhibit A



Three First National Plaza
70 W. Madison Street, Suite 2900
Chicago, Illinois 60602
Phone (312) 471-8700
Fax (312) 471-8701
www.rshc-law.com
FEIN 81-1258466

Patricia Brown Holmes, Special Prosecutor
70 W. Madison
Suite 2900
Chicago, IL 60602

March 5, 2018
Invoice #: 110068

INVOICE SUMMARY

Re: *People of the State of Illinois v. David March, et al., Case No. 17 CR 9700*

For professional services rendered and disbursements incurred June 1, 2017 through January 31, 2018:

DISCOUNTED TOTAL AMOUNT DUE **\$75,377.58**

	Description of Charge	Original Amount	Discounted Amount
1	Professional Fees – Special Prosecutor	\$ 7,500.00	\$ 7,500.00
2	Professional Fees – Assistant Special Prosecutors	\$ 52,552.50	\$ 52,552.50
3	Professional Fees – Paralegals and Law Clerks	\$ 7,525.00	---
4	Expenses/Costs – Garrity Consultant	\$ 75.00	\$ 75.00
5	Expenses/Costs – Court Reporter	\$ 96.00	\$ 96.00
6	Expenses/Costs – eDiscovery Processing and Hosting	\$ 15,154.08	\$ 15,154.08
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Patricia Brown Holmes, Special Prosecutor
70 W. Madison
Suite 2900
Chicago, IL 60602

March 5, 2018
Invoice #: 110068

REMITTANCE ADVICE

Client.Matter: 150035.105003 (Prosecution), 1050001 (Garrity)

BALANCE DUE THIS INVOICE

\$ 75,377.58

**TO INSURE PROPER CREDIT TO YOUR ACCOUNT, PLEASE RETURN
THIS REMITTANCE PAGE WITH PAYMENT**

Riley Safer Holmes & Cancila LLP
Three First National Plaza
70 W. Madison Street, Suite 2900
Chicago, IL 60602

Wire Transfer Instructions:

First Midwest Bank
One Pierce Place, Ste. 1500, Itasca, Illinois 60143
SWIFT/BIC Code (wires only): FMIDUS44
ABA/Routing Number: 071901604
Beneficiary Account Number: 8100452138
Riley Safer Holmes & Cancila LLP

If you have any questions or are not fully satisfied with the charges on this statement, please let us know and we will address any concerns immediately. Your trust and confidence in the value of our services is critical to us.

Thank you!

Exhibit B

STATE OF ILLINOIS) SS.
COUNTY OF COOK)

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
v.)	Case No. 17 CR 9700
)	
DAVID MARCH,)	FILED UNDER SEAL
JOSEPH WALSH, and)	
THOMAS GAFFNEY,)	FOR <i>IN CAMERA</i> REVIEW
)	
Defendants.)	

ORDER

The Comptroller of Cook County is ordered to pay to Riley Safer Holmes & Cancila LLP the following interim attorney's fees and investigation expenses reasonably and actually incurred by the Special Prosecutor in this matter from June 1, 2017 through January 31, 2018:

	Description of Charge	Original Amount	Discounted Amount
1	Professional Fees – Special Prosecutor	\$ 7,500.00	\$ 7,500.00
2	Professional Fees – Assistant Special Prosecutors	\$ 52,552.50	\$ 52,552.50
3	Professional Fees – Paralegals and Law Clerks	\$ 7,525.00	---
4	Expenses/Costs – Garrity Consultant	\$ 75.00	\$ 75.00
5	Expenses/Costs – Court Reporter	\$ 96.00	\$ 96.00
6	Expenses/Costs – eDiscovery Processing and Hosting	\$ 15,154.08	\$ 15,154.08
		\$ 82,902.58	\$ 75,377.58

The Court finds said amounts totaling \$75,377.58 to be fair and reasonable for the work performed as well as the incurred expenses attributed to the preparation and case management in this matter. The Court accepts the Special Prosecutor's voluntary discount of her rates and the absorbed costs of several reasonably-incurred expenses, as indicated above to reflect concerns regarding the County budget.

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The Comptroller of Cook County is therefore ordered to issue payment to Riley Safer
Holmes & Cancila LLP in the amount of \$75,377.58.

IT IS SO ORDERED.

ENTERED:

Hon. Domenica A. Stephenson
Circuit Court of Cook County
Criminal Division

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