

**COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION**

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION	)	
and ALEXIA RAMIREZ	)	
Complainants	)	
v.	)	Docket No. 19-BPR-03062
MANUEL J. DEAMARAL A/K/A MANUEL J. AMARAL	)	
AND 39 IRVING STREET REALTY TRUST	)	
Respondents	)	
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**DECISION OF HEARING OFFICER ON PETITION FOR ATTORNEYS’ FEES**

Alexia Ramirez filed a complaint of housing discrimination with the Massachusetts Commission Against Discrimination (“Commission”). After conducting a public hearing pursuant to M.G.L. c. 151B, § 5, I determined that Manuel J. DeAmaral a/k/a Manuel J. Amaral (“DeAmaral”) violated c. 151B, §§ 4(6) and 4(7A)(2).<sup>1</sup> I ordered DeAmaral to cease and desist from failing to provide reasonable accommodation to tenants; pay Ramirez \$40,000 in damages for emotional distress; pay a civil penalty of \$7,500; and participate in training.

The case was prosecuted by Commission Counsel Ethan Crawford (“Crawford”) and Commission Counsel Naiara Souto (“Souto”). Pursuant to c. 151B, § 3(15), the Commission may seek “reasonable attorney's fees ... when one of its attorneys presents the charge of discrimination before the commission on behalf of the prevailing complainant.” By petition dated July 30, 2024, Commission Counsel seek \$17,997.04 in attorneys’ fees.<sup>2</sup> There is no opposition to the petition.

The Commission has adopted the lodestar methodology for attorneys’ fee computation. See e.g. Reed and Massachusetts Commission Against Discrimination v. Pipefitters Association of Boston, Local 537 and Fahey, 44 MDLR 22 (2022). “By this method, the Commission will first calculate the number of

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<sup>1</sup> I dismissed the complaint against 39 Irving Street Realty Trust (“Trust”) which I determined was not a legal entity which could be sued directly and thus was not a proper party.

<sup>2</sup> The petition includes an affidavit by Crawford, an affidavit by Souto, their itemized time records and an attorney fee scale from the Massachusetts Law Reform Institute (“MLRI”).

hours reasonably expended to litigate the claim and multiply that number by an hourly rate it deems reasonable. The Commission then examines the resulting figure, known as the 'lodestar,' and adjusts it either upward or downward or determines that no adjustment is warranted...." Reed, 44 MDLR at 23

The claim against DeAmaral was meritorious but the claim against the Trust was not. In general, no attorneys' fees are awarded for services performed pursuing an unsuccessful claim unless such claim was sufficiently interconnected with a successful claim. Quarterman v. City of Springfield, 91 Mass. App. Ct. 254, 265 (2017) With the exception of three entries, Crawford's services were inextricably interconnected with the successful claim against DeAmaral. The three entries for Crawford which appear to primarily relate to the unsuccessful claim against the Trust are as follows: November 21, 2023 - draft subpoena to registry of deeds ("registry") and cover letter to Respondents (.86 hours); November 21, 2023 - legal research on property ownership performed on registry website (.11 hours); and December 6, 2023 - preparation for public hearing - follow up with registry regarding documents (.12 hours). Crawford sought 56.86 compensable hours, and based on the above, I deduct 1.09 hours, resulting in 55.77 compensable hours for Crawford. Souto sought 6.95 in compensable hours; and I have no objection to that request.

The "determination of a reasonable hourly rate begins with 'the average rates in the attorney's community for similar work done by attorneys of the same years' experience.' (Citation omitted)" Haddad v. Wal-Mart Stores, Inc. (No. 2), 455 Mass. 1024, 1025-1026 (2010) (rescript) The requested hourly rates for Crawford and Souto are \$288.25 and \$229, respectively. Based on the petition, Crawford seeks compensation for services performed when he had 12 years of experience as an attorney and Souto seeks compensation for services performed when she had seven. Pursuant to the MLRI attorneys' fee scale, (a) for lawyers with 7-10 years of experience, the hourly rate range is \$229-265 and (b) for lawyers with 11-14 years of experience, the hourly rate range is \$281-\$310. Based on that scale, I determine that the requested hourly rates are reasonable.

Crawford's portion of the lodestar is derived by multiplying 55.77 compensable hours at an hourly rate of \$288.25 which equals \$16,075.70. Souto's portion of the lodestar is derived by multiplying 6.95

compensable hours at an hourly rate of \$229 which equals \$1,591.55. The total lodestar is **\$17,667.25**. I decline to adjust the lodestar.

### **ORDER**

Based on the authority granted me by M.G.L. c. 151B, §§ 3(15) and 5, I order MANUEL J. DEAMARAL A/K/A MANUEL J. AMARAL to pay **\$17,667.25** in attorneys' fees, with post-judgment interest at a rate of 12% per annum for the period commencing on the date of this decision and ending upon payment of the awarded attorneys' fees, with such amount payable to the Commonwealth of Massachusetts' General Fund.

### **NOTICE OF APPEAL**

Pursuant to 804 CMR 1.12(19), this decision on the petition for attorneys' fees is a final decision appealable to the Full Commission pursuant to 804 CMR 1.23(1)(a), regardless of whether a party has appealed the underlying hearing decision to the Full Commission. Any party aggrieved by this decision on the petition for attorneys' fees may appeal this decision to the Full Commission. To do so, a party must file a Notice of Appeal within 10 days of receipt of this decision and file a Petition for Review within 30 days of receipt of this decision. 804 CMR 1.23 (2020). If a party files a Petition for Review, the other party has the right to file a Notice of Intervention within 10 days of receipt of the Petition for Review and shall file a brief in reply to the Petition for Review within 30 days of receipt of the Petition for Review. 804 CMR 1.23 (2020) All filings referenced in this paragraph shall be made with the Clerk of the Commission with a copy served on the other party.

So ordered: August 29, 2024.



Jason B. Barshak  
Senior Hearing Officer