UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CAYUGA NATION, by and through its lawful governing body, the CAYUGA NATION COUNCIL,

Plaintiff,

v.

DUSTIN PARKER, NORA WEBER, JOSE VERDUGO, JR., ANDREW HERNANDEZ, PAUL MEYER, BLUE BEAR WHOLESALE, LLC, IROQUOIS ENERGY GROUP, INC., JUSTICE FOR NATIVE FIRST PEOPLE, LLC, C.B. BROOKS LLC, AND JOHN DOES 1-10,

Defendants.

Case No. 5:22-cv-128 (BKS/TWD)

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR ATTORNEYS' FEES

BARCLAY DAMON LLP
Attorneys for Plaintiff
Barclay Damon Tower
125 East Jefferson Street
Syracuse, New York 13202
Tel.: (315) 425-2700

Michael E. Nicholson, *of counsel*
David G. Burch, Jr., *of counsel*

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page

Cases

Statutes

Other Authorities

Plaintiff Cayuga Nation (the "Nation"), through undersigned counsel, respectfully submits this memorandum of law, together with the Declaration of David G. Burch, Jr., in support of its motion under Rule 54 of the Federal Rules of Civil Procedure for an award of attorneys' fees and costs against Defendants Dustin Parker and Nora Weber (together, the "Parker Defendants") pursuant to 18 U.S.C. § 1964(c) in connection with the judgment entered in these proceedings, ECF No. 314.

PRELIMINARY STATEMENT

After nearly four years of hard-fought litigation, a jury found the Parker Defendants liable for violating 18 U.S.C. § 1962(a), expressly determining that their racketeering conduct caused injury to the Nation. That verdict triggers the Nation's statutory entitlement to recover the reasonable attorneys' fees of prosecuting this action. The Nation therefore comes to this Court not to seek a discretionary benefit, but to enforce a statutory right Congress enacted to ensure that victims of racketeering activity are incentivized to act as "private attorneys general" and that civil RICO remains a viable enforcement mechanism in aiding public law enforcement.

This case was complex, resource-intensive, and aggressively litigated at every stage. From the outset, Defendants pursued overlapping motions to dismiss, jurisdictional challenges, counterclaims, and third-party complaints before this case turned to extensive discovery and expert disputes, sustained issue-specific motion practice, sanctions proceedings, and dispositive motions, all culminating in a four-day jury trial. Each phase of these proceedings demanded experienced counsel capable of navigating both the substantive complexity of RICO and the procedural intensity of federal litigation.

The fees for which the Nation seeks reimbursement reflect the actual, contemporaneously recorded time expended by its counsel at reasonable hourly rates consistent with the prevailing market in this federal district for lawyers of comparable skill and experience. The case was efficiently staffed, redundancies were avoided, and the Nation—an experienced and sophisticated consumer of legal services—paid these fees in the ordinary course after careful review. Far from being speculative or inflated, the requested award represents precisely what a reasonable, paying client was willing to pay to litigate.

In the end, the Nation achieved a pivotal victory that vindicated its sovereign interests, confirmed the illegality of Defendants' conduct on its Reservation, and advanced the remedial purposes of RICO. Section 1964(c) exists to ensure that plaintiffs who shoulder the burden of prosecuting such cases are not left to absorb the expense of doing so. Because the attorneys' fees incurred by the Nation are both mandatory and reasonable, this Court should award them in full.

<u>ARGUMENT</u>

I. The Nation is Entitled to an Attorneys' Fees Award Under 18 U.S.C. § 1964(c) Equal to a Reasonable Number of Hours Multiplied by a Reasonable Hourly Rate

When a plaintiff prevails in a civil RICO action,[1] the award of reasonable attorneys' fees is mandatory. 18 U.S.C. § 1964(c) ("Any person injured in his business or property by reason of a violation of section 1962 of this chapter . . . *shall* recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee[.]") (emphasis added); *United Realty Advisors, LP v. Verschleiser*, No. 14-cv-5903, 2023 U.S. Dist. LEXIS 108675, *11 (S.D.N.Y. June 23, 2023) ("In contrast to the SCA's fee provision, which uses permissive language, Section 1964(c) 'mandate[s] an award' of reasonable fees whenever its requirements are met.") (citing *Stochastic Decisions, Inc. v. DiDomenico*, 995 F.2d 1158, 1168 (2d Cir. 1993)). Here, the Nation

[1] "RICO's fee-shifting provision is asymmetrical, such that attorneys' fee awards are available only to plaintiffs[.]" *In re Am. Inv'rs Life Ins. Co. Annuity Mktg. & Sales Practices Litig.*, 695 F. Supp. 2d 157, 165 (E.D. Pa. 2010) (citation omitted).

has prevailed under Section 1964(c) on account of the jury's determination that the Parker Defendants are liable for the Nation's Section 1962(a) "investment injury claim." "Because the jury found that the defendant's RICO violations caused injury to the plaintiff[], Section 1964(c) makes an award of reasonable attorney's fees 'compulsory.'" *Verschleise*, 2023 U.S. Dist. LEXIS 108675 at *13 (quoting *U.S. Football League v. Nat'l Football League*, 887 F.2d 408, 411 (2d Cir. 1989)).

Any after-the-fact adjustment to the damages the jury awarded to the Nation for its injury are of no moment. The jury's finding that "Plaintiff [has] proven by a preponderance of evidence each and every element of its 18 U.S.C. § 1962(a) RICO investment injury claim" against the Parker Defendants [ECF No. 310, p. 2 ("Question 1")] is all that matters. That determination, alone, is an "explicit finding of RICO injury." *See Verschleise*, 2023 U.S. Dist. LEXIS 108675 at *11–*12. Here too, the jury awarded the Nation substantial monetary damages against each of the Parker Defendants on its Section 1962(a) claim as well.[2]

But the compulsory award of attorneys' fees would be the same even if the jury had awarded the Nation only nominal damages. *Id.* at *12 (concluding attorneys' fee were mandatory under 18 U.S.C. § 1964(c) when jury awarded only "nominal damages" in the amount of $1). The same would be true still if the jury's damages award to the Nation were reduced to $0 after accounting for a recoupment set off for the counterclaim award—a result which does not follow

[2] The Verdict Sheet in these proceedings [ECF No. 310] should be read in conjunction with the Jury Instructions [ECF No. 309] to conclude the jury awarded the Nation damages in the amount of $75,619 against *each* Defendant Parker and Defendant Weber individually, not against *both* Defendant Parker and Defendant Weber jointly and severally. In addition, 18 U.S.C. § 1964(c). mandates that the damages awarded to the Nation be trebled. Because the Court appears to have entered a judgment [ECF No. 314] that is inconsistent with this reading of the Verdict Sheet and with Section 1964(c)'s treble damages mandate, the Nation will move pursuant to Federal Rule of Civil Procedure 59(e) to alter or amend the judgment within prescribed time.

from the endorsements on the Verdict Sheet.[3] *Ducote Jax Holdings LLC v. Bradley*, 335 F. App'x 392, 401 (5th Cir. 2009) (rejecting the argument that attorneys' fees are not mandatory "if the net damages for Civil RICO violations is reduced to nothing.").

The Rule 68 Offer of Judgment the Parker Defendants made to the Nation does not bar the Nation's recovery of attorneys' fees under 18 U.S.C. § 1964(c) for at least three reasons. First, the Offer of Judgment was in the amount of $1,000, and no matter whether the Verdict Sheet is read to award those damages individually or jointly and severally, $75,619 is more than $1,000. Second, even if the Parker Defendants' recoupment award were deemed to reset to zero the damages awarded to the Nation (which it should not be read to do), "the 'judgment finally obtained by the offeree' includes both the jury verdict as well as the pre-settlement fees and costs ultimately awarded by the court," *Amato v. City of Saratoga Springs*, 991 F. Supp. 62, 68 (N.D.N.Y. 1998) (citation omitted), which would increase the judgment finally obtained by the Nation to an amount greater than $1,000 under any appropriate calculation. And, finally, an Offer of Judgment, if successful, operates only to bar fees and costs "*after* the offer was made." Fed. R. Civ. P. 68(d) (emphasis added); *see Marchuk v. Faruqi & Faruqi, LLP*, 104 F. Supp. 3d 363, 367–368 (S.D.N.Y. 2015). Here, the Offer of Judgment was made November 21, 2025. The fees for the nearly four years that precede that date would be unimpacted in all events.

[3] The $75,619 in awarded damages against each Defendant must first be trebled pursuant to 18 U.S.C. § 1964(c) and then the $298,000 recoupment claim split in half (so as not to be double-counted) and subtracted. *See Allstate Ins. Co. v. Abramov*, No. 16-CV-1465, 2020 U.S. Dist. LEXIS 31347, *37 n.19 (E.D.N.Y. Feb. 21, 2020) ("Drawing on the authority of other circuits, courts in this district have held that calculating set-offs after trebling damages is appropriate." (citation omitted)). The appropriate calculation is as follows: Defendant Parker: $ 75,619 x 3 (trebled) = $226,857 – 149,000 (recoupment) = $77,857 (individual judgment); Defendant Weber: $ 75,619 x 3 (trebled) = $226,857 – 149,000 (recoupment) = $77,857 (individual judgment). As set forth in n.2 *supra*, the Nation will move pursuant to Rule 59(e) to alter or amend the judgment to carry out Section 1964(c)'s treble damages mandate.

Second Circuit case law provides extensive guidance surrounding the proper method for determining attorneys' fee awards. But the operative standard is that attorneys' fees are awarded by "calculating the 'presumptively reasonable fee,' which is generally arrived at by multiplying 'the number of hours reasonably expended on the litigation by a reasonable hourly rate.'" *Gortat v. Capala Bros.*, 621 F. App'x 19, 22 (2d Cir. 2015) (citations and internal alterations omitted); *Bergerson v. N.Y. State Office of Mental Health, Cent. N.Y. Psychiatric Ctr.*, 652 F.3d 277, 289 (2d Cir. 2011) (same). And the court has firmly rooted this "presumptively reasonable fee approach" in an in-depth examination of the history of attorneys' fee jurisprudence. *See Arbor Hill Concerned Citizens Neighborhood Ass'n v. County of Albany*, 522 F.3d 182, 186–193 (2d Cir. 2008); *see also* 10-54 Moore's Federal Practice – Civil § 54.190 "Lodestar Method of Fee Calculation."

Concentrating on the "reasonable hourly rate" component of the fee calculation, the Second Circuit in *Arbor Hill* instructed that a district court assessing a fee request should "bear in mind all of the case-specific variables that we and other courts have identified as relevant to the reasonableness of attorney's fees in setting a reasonable hourly rate." *Arbor Hill*, 522 F.3d at 190. "These include, among others, the Johnson factors." *Gortat*, 621 F. App'x at 22 (citing *Arbor Hill*, 493 F.3d at 190) (referring to *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974)). "The Johnson factors consist of, for example, '[t]he time and labor required,' '[t]he novelty and difficulty of the questions,' '[t]he amount involved and the results obtained,' and '[a]wards in similar cases.'" *Id.* at 22–23 (quoting *Johnson*, 488 F.2d at 717–719) (alterations in original).

"[C]ourts should generally use the hourly rates employed in the district in which the reviewing court sits in calculating the presumptively reasonable fee," *Restivo v. Hessemann*, 846

F.3d 547, 590 (2d Cir. 2017) (citations omitted), and "should consider the market rate prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Wine v. Sherry-Lehmann, Inc.*, 2025 U.S. Dist. LEXIS 217947, *4 (S.D.N.Y. Nov. 5, 2025) (citations and internal quotation marks omitted). Nevertheless, "there is no precise rule or formula for making fee determinations, and the court should take into account 'the circumstances of the particular case.'" *Gortat*, 621 F. App'x at 23 (internal alterations and citations omitted).

All told, "[t]he presumptively reasonable fee boils down to 'what a reasonable, paying client would be willing to pay,' given that such a party wishes 'to spend the minimum necessary to litigate the case effectively.'" *Simmons v. New York City Transit Auth.*, 575 F.3d 170, 174 (2d Cir. 2009) (quoting *Arbor Hill*, 493 F.3d at 185, 190); *Gortat*, 621 F. App'x at 22 ("[T]his Court has recommended that a district court take into account what a 'paying client would be willing to pay." (citation omitted)). And when the hourly rate at issue "is the actual rate that was negotiated with the clients, [it] is obviously strong evidence of what the market will bear." *Pig Newton, Inc. v. Bds. of Dirs. of the Motion Picture Indus. Pension Plan*, 2016 U.S. Dist. LEXIS 22395, *12 (S.D.N.Y. Feb. 24, 2016) (citation and internal quotation marks omitted).

Other Circuits support this approach. In the Seventh Circuit, it has long been established that when a fee applicant has actually paid the requested fees at an hourly rate, *that* rate is "presumptively appropriate," and a district court abuses its discretion by departing from it without justification. *See, e.g.*, *Assess. Tech., LLC v. WIREdata, Inc.*, 361 F.3d 434, 438 (7th Cir. 2004) ("The best evidence of the value of the lawyer's services is what the client agreed to pay him." (citation omitted)); *Gusman v. Unisys Corp.*, 986 F.2d 1146, 1150–1151 (7th Cir. 1993) ("lawyers who fetch above-average rates are presumptively entitled to them, rather than to some rate devised by the court" (citations omitted)); *see also Mostly Memories, Inc. v. For Your Ease Only, Inc.*, 594

F. Supp. 2d 931, 934 (N.D. Ill. 2009) ("the attorney's actual billing rate paid by his client is 'presumptively appropriate' to use as the market rate") (citing *People Who Care v. Rockford Bd. of Educ., Sch. Dist. No. 205*, 90 F.3d 1307, 1311 (7th Cir. 1996)). Courts in the First, Sixth, and Eight Circuits have consistently held the same. *See, e.g., Edge v. Norfolk Fin. Corp.*, No. 04-12134-DPW, 2005 U.S. Dist. LEXIS 20580, *8–*9 (D. Mass. Aug. 29, 2005); *Oron 2015, LLC v. City of Southfield*, No. 18-12671, 2020 U.S. Dist. LEXIS 169054, *8 (E.D. Mich. Sep. 16, 2020); *Wisnewski v. Champion Healthcare Corp.*, No. A3-96-72, 2001 U.S. Dist. LEXIS 481, *17 (D.N.D. Jan. 16, 2001).

Turning from the hourly rates to the number of hours expended, "[i]n reviewing a fee application, the district court examines the particular hours expended by counsel with a view to the value of the work product of the specific expenditures to the client's case." *Luciano v. Olsten Corp.*, 109 F.3d 111, 116 (2d Cir. 1997) (citations omitted). To be sure, "excessive, redundant, or otherwise unnecessary" hours may be excised by the court—"just as a lawyer in private practice ethically is obligated to exclude such hours from his fee submission." *Hensley v. Eckerhart*, 461 U.S. 424, 434 (1983). Yet at the same time, the district court is not required to "set forth item-by-item findings concerning what may be countless objections to individual billing items." *Lunday v. City of Albany*, 42 F.3d 131, 134 (2d Cir. 1994).

Ultimately, "[t]he critical inquiry is whether, at the time the work was performed, a reasonable attorney would have engaged in similar time expenditures." *Cannon v. Hist. Design, Inc.*, 2025 U.S. Dist. LEXIS 175414, *16 (S.D.N.Y. Sep. 9, 2025) (citation omitted). And to substantiate a request for attorneys' fees, the moving party must submit "contemporaneous time records indicating, for each attorney, the date, the hours expended, and the nature of the work done" in order to facilitate that inquiry. *Marion S. Mishkin Law Office v. Lopalo*, 767 F.3d 144, 148 (2d Cir. 2014) (citation omitted).

II. The Attorneys' Fees Requested by the Nation Are Reasonable and Should be Awarded

This federal action was critical to the Nation's continued efforts to eliminate an unlawful operation on its sovereign Reservation run by an enterprise of individuals cloaking themselves as the Nation and insisting their sale of untaxed cigarettes and cannabis were lawful. This case combined high stakes with a high degree of complexity, as the Nation sought to definitively establish, by satisfying the exacting requirements of civil RICO, that the Parker Defendants' conduct was unlawful. It was therefore both reasonable and imperative for the Nation to retain experienced, capable legal counsel to prosecute this action effectively.

The nearly four-year history of these proceedings bears that out. This action began on February 12, 2022, with the filing of a 19-page Complaint [ECF No. 1] and a motion for a preliminary injunction [ECF No. 2], which quickly resulted in separate briefing by separate Defendants [ECF Nos. 31 & 32] and responsive briefing by the Nation [ECF No. 37]. In the meantime, on March 21, 2022, the Parker Defendants [ECF No. 34] and the Meyer Defendants [ECF No. 35] filed motions to dismiss for lack of subject matter jurisdiction and failure to state a claim, which too required detailed responsive papers from the Nation. ECF No. 40.

Within a month, the Court ordered the Nation to prepare a further letter brief addressing legal issues relating to the preliminary injunction and the application of the tribal exhaustion rule to the pending motions to dismiss. ECF No. 47. Two months later, the Court ruled in the Nation's favor, denied the motions to dismiss as they relate to subject matter jurisdiction, and otherwise stayed the motions in accordance with the tribal exhaustion rule. ECF No. 49. On August 12, 2022, the Court lifted the stay and allowed this action to proceed under 18 U.S.C. § 1962(a) while dismissing the Nation's remaining RICO claims. ECF No. 59.

Defendants quickly filed separate Answers with counterclaims against the Nation [ECF Nos. 60 & 61] forcing the Nation to turn right back motion practice and file motions to dismiss those counterclaims within two weeks. ECF No. 75. No sooner than that briefing was locked in, the Parker Defendants and the Meyer Defendants filed separate third-party complaints against the Nation's federal representative [ECF Nos. 64 & 65] which required the Nation to prepare and file motions to dismiss on sovereign immunity and other grounds. ECF No. 76.

All of this happened within just the first 6 months of this litigation, demonstrating the need for sophisticated legal counsel and emphasizing the growing tally of necessary hours from the very start. When this Court dismissed the third-party complaints and trimmed the counterclaims and limited them to recoupment [ECF No. 86], this action moved forward to mandatory mediation, another expenditure of time. In short order, the Nation was forced to file a motion to quash a subpoena directed at its business arm [ECF No. 94], the parties negotiated over a protective order [ECF No. 105], and protracted discovery and attendant disputes ensued. *See, e.g.,* ECF Nos. 106–107, 109–110, 112, 116–118, 120–121, 125–128.

In addition to the labor-intensive task of reviewing voluminous productions and addressing the oft-arising attendant disputes,[4] the Nation defended the deposition of two of its employees and took the depositions of all three principal Defendants in this case. This culminated in the need for the Nation to prepare and file an emergency motion to compel based upon the continued spoliation of long-sought-after records [ECF No. 51] and the Court putting in place a preservation order. ECF

[4] The Nation was also forced to prepare and file a detailed motion for a protective order [ECF No. 153]—which the Court substantially granted [ECF No. 156]—when the Parker Defendants purported to serve 26 discovery demands long after the close of discovery.

No. 152. Still, even further letter motion practice was required by the Nation with respect to the Parker Defendants' compliance with the preservation order. *See* ECF Nos. 159, 160, & 170. And the Nation prepared a comprehensive motion for spoliation sanctions [ECF Nos. 163 & 203] which the Court ultimately granted. ECF No. 227.

Then came outcome-determinative motions for the Defendants. A motion for summary judgment from the Parker Defendants, which included within it a motion for spoliation sanctions and a motion to exclude the Nation's experts [ECF No. 164], and the same day, a motion for judgment on the pleadings by the Meyer Defendants. ECF No. 162. The serious efforts required to prepare and file detailed responses to these potentially case-ending motions were both substantial and necessary. ECF Nos. 191 & 192.

All of that preceded the final blitz of substantive filings by the Nation before trial: the trial brief and related pretrial filings [ECF Nos. 234–241]; a memorandum of law in accordance with this Court's November 17, 2025 Memorandum-Decision and Order regarding BJ Radford's testimony [ECF No. 264]; separate detailed oppositions to the Meyer Defendants' and the Parker Defendants' motions in limine [ECF Nos. 271 & 274]; two separate motions in limine by the Nation [ECF Nos. 268 & 284]; and a letter brief addressing spoliation sanctions at the Court's direction. ECF No. 295. This culminated in a four-day jury trial, together with the surrounding preparation, and the *ad hoc* attention to various daily issues presented by the trial including letter briefing providing objections to Defendants' equitable defenses. ECF No. 303.

In sum, prosecuting this action required both a substantial amount of attorney time and high degree of aptitude, reflecting both the inherent complexity of this action and the committed efforts of Defendants to maximize the Nation's output. Seeing this case through verdict was imperative to the Nation in order to get a ruling that the Parker Defendants' conduct on its

Reservation violates the law; and it justified the Nation's sustained economic investment to reach that result.

The rates charged by the Nation's counsel are in line with the prevailing market rates for partners in NLJ500 firms in Central and Western New York, specifically litigation partners who are fit to try complex federal cases. *See Restivo*, 846 F.3d at 590 ("[C]ourts should generally use the hourly rates employed in the district in which the reviewing court sits in calculating the presumptively reasonable fee[.]"). And throughout the nearly four-year pendency of this action, this case was efficiently staffed with only necessary attorneys, avoiding internal redundancies and junior-level staffing without full expertise. *See Hensley*, 461 U.S. at 434 (noting counsel should endeavor to avoid cases being "overstaffed" and hours that are "excessive, redundant, or otherwise unnecessary").

Moreover, the fees here are not based on unbilled time banked in hopes of fee-shifting. They are the *actual* fees incurred and *paid* by the Nation—a sophisticated buyer of legal services that routinely retains counsel to handle state and federal litigation as well as other legal matters; requires detailed invoices for legal fees; and monitors work done by legal counsel to ensure it is being completed in a cost-effective manner. *See Assess. Tech.*, 361 F.3d at 438 ("The best evidence of the value of the lawyer's services is what the client agreed to pay him."). The fees paid by the Nation in this case exemplify what "a reasonable, paying client would be willing to pay[.]" *Arbor Hill*, 522 F.3d at 184.

"As recognized by the Second Circuit, 'the most critical factor in a district court's determination of what constitutes reasonable attorney's fees in a given case is the degree of success obtained by the plaintiff.'" *Glenn v. Fuji Grill Niagara Falls, LLC*, No. 14-CV-380S, 2016 U.S. Dist. LEXIS 51618, *21 (W.D.N.Y. Apr. 18, 2016) (citation omitted). The jury's finding of liability with respect to the Parker Defendants, is, without anything more, an extraordinary success, vindicating Section 1964(c)'s aim to "encourage and enlist the civil litigation services of the 'private attorneys general' aiding public law enforcement," *Pieper v. Benerin, LLC,* 972 F. Supp. 2d 321, 329 (E.D.N.Y. 2013) (alterations omitted) and confirming the Nation's longstanding position that the challenged conduct on its Reservation violates United States law. The Nation was awarded significant monetary damages on top of that; albeit damages significantly less than it sought.

But it would be an abuse of discretion to conflate the amount of this damages award with a *de minimis* victory for purposes of determining the amount of an attorneys' fees award. *See Millea v. Metro-North R.R.*, 658 F.3d 154, 168 (2d Cir. 2011) (holding it was an abuse of discretion "where [t]he district court conflated a small damages award with a de minimis victory."); accord *Ducote Jax Holdings LLC*, 335 F. App'x at 402) ("This Court has rejected a rule that the award of attorneys' fees should be proportional to the damage award in a civil RICO case." (citations omitted)). The jury's verdict alone will provide a bulwark against future conduct by the Parker Defendants on the Nation's Reservation and any others who would attempt to follow their lead. That is a momentous success.

In all events, "RICO is to be read broadly. This is the lesson not only of Congress' self-consciously expansive language and overall approach but also of its express admonition that RICO is to 'be liberally construed to effectuate its remedial purposes.'" *Ideal Steel Supply Corp. v. Anza*, 652 F.3d 310, 322 (2d Cir. 2011) (quoting *Sedima v. Imrex Co.*, 473 U.S. 479, 497–498 (1985)) (additional citations omitted). And "[t]he statute's 'remedial purposes' are nowhere more evident than in the provision of a private action for those injured by racketeering activity." *Id.* (quoting *Sedima*, 473 U.S. at 497–498). That "provision of a private action," 18 U.S.C. § 1964(c) announces the mandatory right to treble damages and attorneys' fees, and "RICO awards victorious parties mandatory treble damages and attorney's fees precisely *to encourage* individual plaintiffs to bring such suits. *Khanna v. Am. Express Co.*, 2011 U.S. Dist. LEXIS 146542, *13 (S.D.N.Y. Dec. 14, 2011) (emphasis added) (citations omitted). That prevailing approach and purpose fully applies here.

CONCLUSION

For the reasons set forth herein, the Nation respectfully requests that this Court grant it an award of attorneys' fees and costs against the Parker Defendants in the amount of $662,351.19.

Dated: December 30, 2025

BARCLAY DAMON LLP

By: s/ *Michael E. Nicholson*
Michael E. Nicholson
David G. Burch, Jr.

Attorneys for Plaintiff
Barclay Damon Tower
125 East Jefferson Street
Syracuse, New York 13202