

IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

MICHAEL E. MANN, PH.D.,

*Plaintiff,*

v.

NATIONAL REVIEW, INC., *et al.*,

*Defendants.*

Case No. 2012 CA 008263 B

Judge Alfred S. Irving, Jr.

**Defendant Mark Steyn's Notice of Plaintiff's Failure to Respond to  
Defendant's Calculation of Attorney's Fees and Costs**

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On March 12, 2025, this Court granted Defendant Mark Steyn’s motion for sanctions and awarded attorney’s fees and costs to Steyn in an amount to be determined. *See* Order Granting in Part Defs.’ Mots. for Sanctions (“Sanctions Order”).

The Sanctions Order directed Steyn to “file all necessary materials in support of the costs and fees awarded in this Order by March 26, 2025[.]” *Id.* at 45. Steyn did so. *See* Def. Mark Steyn’s Submission on the Amount of Fees & Costs to be Awarded as a Sanction for Pl.’s Bad-Faith Trial Misconduct & Supporting Docs. (“Fee Submission”). In his Fee Submission, Steyn calculated and requested a total of \$27,579.40 in fees and costs. *Id.* at 4.

The Sanctions Order also directed Mann to “file any response within fourteen days of Defendants’ filings in support of the sanction award[.]” Sanctions Order at 45. Mann’s response therefore was due on April 9, 2025, more than a week ago. Mann, however, did not file a response. It is now too late for him to do so.

Because Mann did not respond, Steyn’s calculation of his fees and costs should be treated as conceded. *Cf.* Super. Ct. Civ. R. 12-I(e) (authorizing the Court to treat as conceded a motion to which no timely memorandum of opposing points and authorities has been filed); *Bednarek v. Pourbabai*, No. 2017 CA 002410 B, 2018 WL 11346541, at \*3 (D.C. Super. Ct. Oct. 3, 2018) (treating motion for attorney’s fees as conceded where no opposition was filed).

Steyn is aware that Mann’s motion for reconsideration<sup>1</sup> filed on April 8, 2025, includes a short argument in the alternative as to Steyn’s fee request. *See* Mem. 29–30. Steyn will respond to that paper—which is a reconsideration motion, not a response to Steyn’s fee submission as directed by this Court—in due course.

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<sup>1</sup> *See* Mot. of Michael E. Mann, Ph.D., John B. Williams, & Peter J. Fontaine to Recons. or to Alter or Amend Award of Sanctions.

\* \* \*

In sum, Steyn's calculation of \$27,579.40 in fees and costs should be treated as conceded.

Dated: April 17, 2025

Respectfully submitted,

*s/ H. Christopher Bartolomucci*

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## CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2025, I caused a copy of the foregoing, and all accompanying papers, to be served by eFileDC upon the following:

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