

Exhibit D

Exhibit D

Robert:

Thank you for your reply, although on the issue of reasonableness, it is unclear why you earlier thought 1) a remand was offered at the CLS conference; 2) a remand was offered but rejected prior to the filing of the Secretary's brief; 3) a "federal hotel rate" was relevant and appropriate to your challenge, but now state that there is no federal rate issue, and instead 4) you now base your claim on reasonableness of the hotel rate based on your characterization of a hotel rating.

That said, I agree that the issue is one of reasonableness. In my view, in the case of hotel expenses (and flight expenses, for that matter) reasonableness turns on availability at the required time and suitability to the task at hand. Suitability requires a location convenient to the airport and to the court; a secure hotel; and a hotel generally oriented to the business traveler, including reliable wi-fi and appropriate services, such as in-hotel dining and access to a business office, if needed. Availability turns on multiple factors, all out of the traveler's control.

In this case, the oral argument was scheduled to be held in September 2019, when DC generally sees an increase in business travel as Congress returns. That increases demand for lodging, which affects availability. Additionally, during the time the oral argument in this case was scheduled, there were several large conferences and protests in the downtown DC area, to include the NCBFAA conference, the Clean Air protestors who shut down D.C. streets for days during that week, and many others. These events are scheduled years, if not longer, in advance and the attendees' rooms are reserved months in advance. See attached.

This Oral argument, by comparison, was scheduled a few months in advance. As you know, however, since all flight bookings and some hotels have no refund policies, it was most prudent to wait a little while after scheduling until the dust settles, (ie. making sure that the parties did not need to re-schedule for any conflicts or emergencies, etc.) before making reservations.

My experience in checking at several downtown DC hotels in mid-summer 2019 was that availability was very limited, and the remaining available room rates in suitable downtown DC hotels were running as high as \$1,500 per night rate at that time. I selected the best (lowest) rate that was available in the area, at the time required, and at a hotel which was suitable for official business purposes.

Also, take a look at the attached calendars even for this year and you will see that the hotel rates, even during Covid-19 rise sharply during the 2nd and 3rd week of September before going back down. See also rates for several hotels in the D.C. area for THIS Covid-plagued September 2020 when no one is expected to come to D.C. or go anywhere else for that matter. See attached.

As exhibited by the attached calendars, it is also a generally known fact that rates almost nearly double on Monday to Wednesday of any business week due to business travel. Although a different story these days mainly due to Covid-19, back in 2019 CAVC Oral arguments were usually scheduled on a Tuesday and Wednesday of the business week.

As to your suggestion that my choice of hotel is unreasonable, you seem to ignore my personal responsibility for the bill had the outcome of the case been negative. Do you think I would have enjoyed paying a \$700.00 per night hotel bill knowing that I had a less expensive choice? I had no idea whether I would win or lose. I don't gamble with my personal finances in that way.

It is apparent that your overall contests to the hotel rate on reasonableness would amount to no more than a difference of \$500 to \$600 tops. My overall EAJA, however, has already been reduced by 15% (\$3,852.30) based on billing judgment. A further reduction, even of \$300.00 - \$600.00 would be an abuse, especially in light of all the additional hours I have now expended thus far defending your reasonableness claims.

I do not find a bright line rule in the statute or the case law which authorizes the courts to limit the government's EAJA liability simply because the government objects to lodging in a quality hotel. I would anticipate that the Court will review the relevant factors. Again, if you have authority otherwise, please do not hesitate to share it as I would be pleased to review it.

Regards --



Hotels

Overview Prices Reviews Location About Photos

Ads · Check availability ⓘ



Tue, Sep 1



Check out



August

S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
						\$249			\$299	\$299	\$299	\$249	\$249
2	3	4	5	6	7	8		7	8	9	10	11	12
\$279	\$299	\$299	\$299	\$299	\$249	\$249		\$249	\$399	\$499	\$499	\$369	\$369
9	10	11	12	13	14	15	13	14	15	16	17	18	19
\$279	\$299	\$299	\$299	\$299	\$249	\$249	\$499	\$699	\$699	\$699	\$369	\$369	\$369
16	17	18	19	20	21	22	20	21	22	23	24	25	26
\$279	\$299	\$299	\$299	\$299	\$249	\$249	\$369	\$699	\$699	\$699	\$499	\$369	\$369
23	24	25	26	27	28	29	27	28	29	30			
\$279	\$299	\$299	\$499	--	--	\$799	\$319	\$369	\$459	\$499			
30	31												
\$279	\$299												

September

Select check-out date

Best prices for 1-night stay

Reset Done

[Overview](#)

[Prices](#)

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August

September

S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
						\$179			\$249	\$249	\$249	\$179	\$179
2	3	4	5	6	7	8	6	7	8	9	10	11	12
\$219	\$249	\$249	\$249	\$249	\$179	\$179	\$179	\$179	\$299	\$319	\$279	\$179	\$179
9	10	11	12	13	14	15	13	14	15	16	17	18	19
\$219	\$249	\$249	\$249	\$249	\$179	\$179	\$379	\$399	\$399	\$399	\$279	\$179	\$179
16	17	18	19	20	21	22	20	21	22	23	24	25	26
\$219	\$249	\$249	\$249	\$249	\$179	\$179	\$379	\$399	\$399	\$399	\$369	\$369	\$369
23	24	25	26	27	28	29	27	28	29	30			
\$219	\$249	\$249	\$329	--	\$829	\$499	\$249	\$319	\$319	\$319			
30	31												
\$219	\$249												

1 night

Best prices for 1-night stay

[Reset](#) [Done](#)



Neighborhood: Northwest Washington

Excellent for visitors

Leafy, affluent area including historic Georgetown, pandas at the National Zoo & the White House.



Ads · Check availability ⓘ Nightly price ▾

Wed, Jun 24 < > Thu, Jun 25 < >

August

S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	1	6	7	8	9	10	11
\$385	\$398	\$398	\$398	\$398	\$381	\$409	\$381	\$455	\$455	\$702	\$727	\$702	\$552
9	10	11	12	13	14	15	13	14	15	16	17	18	19
\$385	\$398	\$398	\$398	\$398	\$381	\$381	\$702	\$815	\$875	\$838	\$702	\$527	\$554
16	17	18	19	20	21	22	20	21	22	23	24	25	26
\$385	\$398	\$399	\$398	\$388	\$600	\$605	\$815	\$815	\$829	\$945	\$638	\$546	\$527
23	24	25	26	27	28	29	27	28	29	30			
\$471	\$399	\$455	\$455	\$468	\$580	\$580	\$815	\$808	\$815	\$815			
30	31												
\$455	\$550												

September

1 night

Best prices for 1-night stay

Reset Done

Priceline

\$550 Visit site

**NCBFAA**

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VOICE OF THE INDUSTRY SINCE 1897

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2019 NCBFAA Government Affairs Conference

Register Now

Details

September 22, 2019 through September 24, 2019
Hyatt Regency Washington on Capitol Hill
Washington, DC USA

Earlybird Registration Deadline: August 23, 2019
Advance Registration Deadline: September 13, 2019

Description

[PROGRAM](#)[CRITICAL
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ABOUT THE CONFERENCE

The annual **NCBFAA Government Affairs Conference (GAC)** provides attendees with the opportunity to learn about timely and critically important industry changes directly from the influential players involved as well as make their voices heard when explaining the industry's pressing challenges to their Senators and Congressional Representatives.

If you are a Customs Broker, Ocean Freight Forwarder, Ocean Transportation Intermediary, Indirect Air Carrier, Drawback Specialist, Manager or Executive of a logistics company, or Industry Service Provider interested in the effects of regulation and politics on the transportation logistics industry, you should join us at the NCBFAA 2019 Government Affairs Conference in Washington, DC, September 22-24!

Reminder: Due to the fact that importers and exporters (NEI Professional Members) can now attend various NEI webinars and participate in NEI Case Studies to obtain their necessary CEUs throughout the year, the NEI Professional Members (those not eligible for any type of NCBFAA Membership relating to Regular, Associate or Affiliate) are no longer eligible to attend the Annual Conference or Government Affairs Conference.

Important Information Regarding Hotel Registration: In an effort to more accurately manage our room block allotment, the NCBFAA has updated its hotel registration policy requiring attendees to now register for the Conference

prior to making their hotel reservations. Upon the completion of your registration, you will receive a link to the Hyatt Regency's hotel reservation page that includes NCBFAA's special room block rate of \$279/night. This policy change will ensure all registered attendees have the opportunity to stay at the Conference hotel.

After entering the registration site, if the displayed price does not match your membership category, please contact us at (202) 466-0222 before continuing.

Attendee Registration Prices

Member Type	Early Bird (ends 8/23/2019)	After Early Bird (ends 9/13/2019)	On-Site Registration
Member	\$375	\$425	\$450
Non-Member	\$450	\$500	\$525

Spouse / Guest Registration Prices*

Early Bird	After Early Bird	On-Site Registration
\$155	\$165	\$175

NCBFAA Conference Registration Policies

Cancellation Policy - Cancellation and refund requests must be made in writing by September 13, 2019. A refund of the full conference fee, minus a \$ administrative fee, will be given for cancellations received by that date. No refunds will be granted for requests postmarked after September 13, 2019. Requests to napplin@ncbfaa.org. NCBFAA regrets that refunds will not be given for no-shows. Substitutions are gladly accepted! Badge sharing, split is strictly prohibited.

Eligible Registrations - Because importers and exporters (NEI Professional Members) may attend various NEI webinars and participate in NEI Case the required CEUs throughout the year, NEI Professional Members who are ineligible for NCBFAA Regular, Associate or Affiliate Membership may not be in either the NCBFAA Annual Conference or the NCBFAA Government Affairs Conference.

Registration Denials - All registrations are reviewed to ensure they meet NCBFAA eligibility policies. NCBFAA reserves the right to refuse or cancel all registrations at any time and shall not be held accountable for any outside fees associated with this cancellation.

Special Needs Requirements - For those of you with special needs, e.g., dietary or physical access, please remember to complete the "Special Needs" registering for the Government Affairs Conference. To access the "Special Needs" field, click on Register Now at the top of the GAC splash page. Then Continue to open the Recipient Information page. The "Special Needs" field is directly above the "Billing Option" dropdown box at the bottom of that page.

Special Offers/Discounts - New member and Affiliated Association mentor discounts are available. Limit one (1) special offer/discount per registration. **Leaders Mentor Program** is a discounted registration offered to qualified individuals to attend either of the NCBFAA conferences at a special rate. The established this program to provide mentoring opportunities and develop a future generation of association leadership, which serves as a source NCBF. In addition, this program provides motivated individuals from local associations with an opportunity to network with experienced industry professionals at either NCBFAA event through a discounted registration rate.

Substitution Policy - A transfer of your full registration is permitted prior to the conference by submitting written request to napplin@ncbfaa.org. Onsite must be accompanied with proof of the original confirmation letter. Only one transfer is permitted per original registrant. The individual submitting the transfer is responsible for all financial obligations (any balance due) associated with that substitution. Badge sharing, splitting and reprints are strictly prohibited.

Consent to Use of Photographic Images - Registration and attendance at, or participation in, NCBFAA meetings and other activities constitutes an agreement by the registrant to the use and distribution of the registrant or attendees' image or voice in photographs, videotapes, electronic reproductions and audiotapes and activities by NCBFAA.

*Spouse/Guest Registration is for the Capitol Hill and Board Receptions ONLY. If attending any other functions you must pay full registration fee. We recommend spouses/guests visit or check in the hotel lobby for resources and recommendations to take full advantage of their time in DC.

Conference Registration

Pass Name	Description
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2019 GAC Registration Cost	
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Webinars
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Certified Custom Specialists
Certified Export Specialists
Frequently Asked Questions (FAQs)

Contact Us

NCBFAA
1200 18th Street, NW
Washington, DC 20005
Phone: (202) 466-0222
Fax: (202) 466-0226

Staff Login

WAMU | SEP 23, 2019

'Shut Down D.C.' Activists Block Streets To Protest Climate Change



Jacob Fenston



Jordan Pascale



Mary Tyler March



Protesters marched down K St. NW, bearing signs reading "Climate justice", "Warning" and "You can't drink oil".

Tyrone Turner / WAMU

This story was updated at 1:46 p.m.

A coalition of demonstrators called "Shut Down D.C." took to the District's streets Monday morning, creating gridlock to draw attention to climate change for rush hour commuters.

The protests, which began around 7 a.m. and lasted around three hours, come just days after thousands of Washington area students [converged outside the Capitol](#) on Friday to protest climate change as youth protesters across the globe took part in similar strikes. Monday's blockades were timed to coincide with the United Nations Climate Action Summit, which will take place in New York that day.

Organizers of Monday's protests wrote [on their website](#) that the demonstrations aimed "to disrupt the systems that created and perpetuate the climate crisis," urging "climate rebels" to bring the "whole city to a gridlocked standstill." The [group wrote](#) that the shutdown was geared, particularly, toward Washington's powerful political entities – the people, they charge, "are most responsible" for contributing to climate change.



A protester dressed as a dinosaur joins fellow demonstrators in a blockade on Independence Ave. SW.

"By shutting down the city we are demanding that those in power immediately address the climate crisis," the group's page states.

"We will block key infrastructure to stop business-as-usual," the group [said in a statement](#). "Parents, workers, college students, and everyone who is concerned about the climate crisis will skip work and school and put off their other responsibilities to take action on the climate crisis."

Transportation officials had cautioned commuters to allot extra time during Monday's commute, warning District employees to expect delays along their routes.

One organizer told WAMU that 22 intersections were blocked across the District. Organizers met at L'Enfant Plaza Metro Station, Folger Park, Columbus Circle and Farragut Square and fanned out to intersections.

D.C. Police blocked off parts of K Street from 14th St. to 17th St. NW as protesters gathered near the heavily trafficked downtown intersection. An estimated 250 to 300 people gathered to demonstrate around Farragut Square, chanting "This is what democracy looks like" and "We demand a Green New Deal," a few blocks north of the White House and a popular corridor where lobbyists have offices.



Jordan Pascale

@JWPascale · Sep 23, 2019

Replying to @JWPascale

Group is larger now. Talking about who is willing to get arrested. Which intersection to block.



Jordan Pascale

@JWPascale

Police blocking off parts of K Street near 17th



1 7:37 AM - Sep 23, 2019

[See Jordan Pascale's other Tweets](#)

Protesters used a pink and yellow boat emblazoned with the words "Rebel for life" to block the intersection of 16th and K streets NW around 7:30 a.m.

Sean Haskett, a spokesperson and organizer for the "Shut Down D.C." coalition and an activist for Extinction Rebellion, said the boat was meant to symbolize the District's future if action isn't taken on climate change.

"D.C. is the largest concentration of power in the world. The core of D.C. has dozens of incredibly powerful companies, lobbyists, no profits, Congress, the White House. The core of D.C. has been acting if (climate change) is normal. This planet is finite," Haskett said. "If we act if it is not, we are going to sink. We have 10 years to decarbonize the economy or we are going to have civilization-ending levels of climate change."



Jordan Pascale



@JWPascale · Sep 23, 2019

Replying to @JWPascale



Jordan Pascale



@JWPascale

It appears police are asking this DJ in a yacht captain hat to shut off the music.

Dates


Mon, Sep 21 – Wed, Sep 23

EDIT

1 King Bed 2 Double Beds Sofa Bed


- ☐ City View
- ☐ Garden View 1
- ☐ Hearing Accessible 1
- ☐ Mobility Accessible Room with Roll-In Shower 1

= Number of rooms left with feature. These rooms are almost sold out.



Please note

-Customers should review government guidance to confirm eligibility to travel & stay at hotel. See [travelguidance.marriott.com](https://www.marriott.com/travelguidance.marriott.com). Reservations will not be honored where prohibited.



Please note

-Food & beverage services are available through Private Dining. We hope to re-open our bar and restaurant when possible.

☐ Show rates with taxes and all fees



1 King Bed, Deluxe Guest Room

ROOM DETAILS

EDIT

6/20/2020

Dates
Mon, Sep 21 – Wed, Sep 23

Member Rate

Rate Details

705 USD Avg./night
1,410 Total per room

SELECT

Regular Rate

Rate Details

719 USD Avg./night
1,438 Total per room

SELECT



2 Double Beds, Deluxe Guest Room

ROOM DETAILS

Member Rate

Rate Details

EDIT

6/20/2020

Dates
Mon, Sep 21 – Wed, Sep 23

Regular Rate

Rate Details


739 USD Avg./night
1,478 Total per room

SELECT



1 King Bed, City View, Premier Guest Room

ROOM DETAILS

Member Rate 

Rate Details

744 USD Avg./night
1,488 Total per room

SELECT

Regular Rate

Rate Details

759 USD Avg./night

SELECT

EDIT

Dates
Mon, Sep 21 – Wed, Sep 23



1 King Bed, Grand Luxe Room

ROOM DETAILS

Member Rate

Rate Details

763 USD Avg./night
1,526 Total per room

SELECT

Regular Rate

Rate Details

779 USD Avg./night
1,558 Total per room

SELECT



2 Double Beds, City View, Premier Guest Room

ROOM DETAILS

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☒ View amenities & policies

\$375 /night	SEARCHID=
	<input data-bbox="428 533 449 613" type="button" value="Hurry!"/>
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\$459 /night	
	SEARCHID=
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\$514	
\$503 /night	
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\$533 /night	

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\$741 /night

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4 left!

ONE BEDROOM SUITE-KING

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ABOUT	LOCATION	REVIEWS
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Hotel Location & Nearby Attractions
With a stay at The Watergate Hotel, you'll be centrally located in Washington, a 9-minute walk from Kennedy Center and 12 minutes by foot from Georgetown Waterfront Park. This 5-star hotel (1.7 km) from White House.
Popular Hotel Amenities and Features
Pamper yourself with a visit to the spa, which offers massages, body treatments, and facials. If you're looking for recreational opportunities, you'll find an indoor pool, a spa tub, and a steam rc access, concierge services, and gift shops/newsstands.
Business, Other Amenities
Featured amenities include a 24-hour business center, complimentary newspapers in the lobby, and dry cleaning/laundry services. Planning an event in Washington? This hotel has facilities me conference center.
Restaurants, Bars, Lounge & Dining options
Grab a bite at Whisky Bar, one of the hotel's 2 restaurants, or stay in and take advantage of the 24-hour room service. Need to unwind? Take a break with a tasty beverage at one of the 3 bars/l for a fee.
Hotel Accommodations and Guest Rooms
Make yourself at home in one of the 336 individually furnished guestrooms, featuring minibars and espresso makers. Your pillowtop bed comes with down comforters and premium bedding. ' entertainment, while complimentary wireless Internet access keeps you connected. Private bathrooms with bathtubs or showers feature designer toiletries and hair dryers.
Pet Policy for The Watergate Hotel
If you are thinking of bringing your pet (dog or cat) and want to know if pets are allowed at The Watergate Hotel, please read the hotel pet policy. Sometimes the hotel may charge pet fees or h are listed below.

Pets allowed
Service animals are exempt from fees/restrictions
Only service animals are allowed

Additional Hotel Details
Please note, some room types at this property are not available when booking a stay with children.

- The Watergate Hotel Hotel Amenities
- Accessibility**
- Wheelchair Accessible bathroom
 - In room accessibility
- Breakfast Services**
- Breakfast available - Extra Charge
- Business, Conference & Meetings**
- Conference Facilities
 - Meeting Room Facilities
 - Conference space size : meters -