

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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TOM G. PALMER, <i>et al.</i>)	
)	
	Plaintiffs,)	
)	
v.)	Civil Action No. 09-01482 (FJS)
)	
DISTRICT OF COLUMBIA, <i>et al.</i> ,)	
)	
	Defendants.)	
<hr/>)	

DEFENDANTS' SECOND CONSENT MOTION TO
STAY BRIEFING ON ATTORNEY FEES

Pursuant to Fed. R. Civ. P. 6(b)(1) and 7(b), defendants the District of Columbia and Metropolitan Police Chief Cathy Lanier move this Honorable Court to stay briefing on Plaintiffs' Motion for Attorney Fees and Costs, until 30 days after a decision on plaintiffs' pending (1) Motion for Permanent Injunction, or (2) Motion to Hold Defendants in Contempt, or 30 days after the issuance of the mandate on any appeal of those decisions, whichever is later. The defendants' Memorandum of Points and Authorities in support hereof is attached hereto and incorporated by reference herein. A proposed Order is also attached hereto.

Pursuant to LCvR 7(m), the undersigned discussed the subject motion with opposing counsel, who consented to the relief requested herein.

WHEREFORE, the defendants respectfully request that this Honorable Court:

- A. Grant the defendants' Second Consent Motion to Stay Briefing on Attorney Fees; and
- B. Grant the defendants such other and further relief as the nature of their cause may require.

DATE: April 6, 2015

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

ELLEN A. EFROS
Deputy Attorney General
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/s/ Toni M. Jackson

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MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF
DEFENDANTS’ SECOND CONSENT MOTION TO
STAY BRIEFING ON ATTORNEY FEES

Defendants the District of Columbia and Cathy Lanier (collectively, “the District”), by and through undersigned counsel, respectfully submit this Memorandum of Points and Authorities in Support of their Second Consent Motion to Stay Briefing on Attorney Fees, pursuant to Fed. R. Civ. P. 6(b)(1) and 7(b). A proposed Order is attached hereto.

In support of the instant motion, and for their good cause shown, the defendants state as follows:

1. On August 12, 2014, plaintiffs filed their Motion for Attorney Fees and Costs. By Order dated August 25, 2014 (Doc. No. 69), the Court granted the District’s Consent Motion to Stay Briefing on Attorney Fees, extending the deadline until “30 days after the issuance of the mandate on any appeal.”

2. By Order dated April 2, 2015, the United States Court of Appeals for the District of Columbia Circuit granted the District’s motion to dismiss its appeal of this matter, and directed the clerk to transmit a copy of that order “in lieu of formal mandate.” *See* Doc. No. 89.

3. Fed. R. Civ. P. 6(b)(1) permits an enlargement of time, such as that requested herein, “if a request is made, before the original time or its extension expires . . .” for good cause.

4. The District avers that briefing on plaintiffs’ motion for fees and costs remains premature. Plaintiffs will be supplementing their requested hours, based on work that has occurred since plaintiffs’ original motion for fees and costs. It would be most efficient for both parties and the Court to address the issue once all the claimed hours are incurred, rather than in a piecemeal fashion.

5. This enlargement is not sought for any improper purpose, but to allow impending events to play out and the case to be finally decided. No party will be prejudiced, and the brief extension requested here will have no effect on any other deadlines. Moreover, opposing counsel has consented to the relief requested herein.

6. Based on the above, the District respectfully requests that this Honorable Court enter an order pursuant to Fed. R. Civ. P. 6(b)(1), to amend the schedule such that briefing on plaintiffs’ motion for attorney fees and costs is stayed until 30 days after a decision on plaintiffs’ pending (1) Motion for Permanent Injunction, or (2) Motion to Hold Defendants in Contempt, or 30 days after the issuance of the mandate on any appeal of those decisions, whichever is later.

DATE: April 6, 2015

Respectfully submitted,

KARL A. RACINE
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ELLEN A. EFROS
Deputy Attorney General
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/s/ Toni M. Jackson

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