

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DREW ADAMS, a minor, by and through
his next friend and mother, ERICA
ADAMS KASPER,

Plaintiff,

v.

THE SCHOOL BOARD OF ST. JOHNS
COUNTY, FLORIDA,

Defendant.

Case No. 3:17-cv-00739-TJC-JBT

**PLAINTIFF'S UNOPPOSED MOTION TO EXTEND TIME TO FILE A
MOTION FOR ATTORNEY'S FEES AND BILL OF COSTS**

Plaintiff Drew Adams, a minor, by and through his next friend and mother, Erica Adams Kasper ("Plaintiff"), respectfully moves for an extension of time in which to file a motion for attorney's fees and bill of costs. Plaintiff seeks an extension of time in which to file a motion for attorney's fees and bill of costs until either (i) 30 days after any further appellate review, including *en banc* proceedings before the U.S. Court of Appeals for the Eleventh Circuit or proceedings before the U.S. Supreme Court, becomes final, or (ii) the time for seeking such review expires, whichever is later.

On July 26, 2018, the Court issued its Findings of Fact and Conclusions of Law as well as its final judgment. Dkt. Nos. 192, 193. In its Findings of Fact and Conclusions of Law, the Court set the following briefing schedule regarding the matter of attorney's fees and costs: (1) plaintiff shall file his motion for attorney's fees and costs under 42 U.S.C. § 1988 no later than

September 4, 2018; and (2) Defendant School Board shall respond no later than October 1, 2018. Dkt. No. 192 at 70. On August 23, 2018, Defendant noticed its appeal to the U.S. Court of Appeals for the Eleventh Circuit from the Court's final judgment, and findings of fact and conclusions of law. Dkt. No. 194.

The requested extension serves the interests of both judicial and party economy. First, deferring adjudication of attorney's fees and cost until all litigation is complete would allow this Court to rule on those issues once the prevailing parties have been finally determined. Other courts have similarly extended the deadline for seeking attorney's fees until the completion of all appeals. *See, e.g., Planned Parenthood of Cent. N.J. v. Attorney Gen. of N.J.*, 297 F.3d 253, 258 (3d Cir. 2002) ("the District Court entered an order extending the time to file for attorneys' fees until 30 days after the conclusion of all appeals in the case."). Second, the additional time would serve allow the parties to pursue a potential out-of-court settlement of attorney's fees and costs, thereby possibly obviating the need for this Court to adjudicate those issues.¹

For these reasons, Plaintiff respectfully requests that the Court grant the instant motion and extend the deadline for Plaintiff to file a motion for attorney's fees and bill of costs.

CERTIFICATE OF CONFERENCE PURSUANT TO LOCAL RULE 3.01(g)

Pursuant to 3.01(g) of the Local Rules of the Middle District of Florida, the undersigned certifies that counsel for Plaintiff conferred with counsel for Defendant regarding this notice, and Defendant's position is as follows: Defendant does not oppose the requested relief.

¹ Alternatively, should the Court not be inclined to grant the instant motion, Plaintiff requests the deadline to request fees and costs be extended until 30 days after disposition of this motion.

Dated: August 24, 2018

Respectfully submitted,

/s/ Omar Gonzalez-Pagan

Omar Gonzalez-Pagan
(*pro hac vice*)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005-3919
T. 212-809-8585 | F. 212-809-0055
ogonzalez-pagan@lambdalegal.org

Tara L. Borelli (*pro hac vice*)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
730 Peachtree St. NE, Ste. 640
Atlanta, GA 30308-1210
Telephone: 404-897-1880
Facsimile: 404-897-1884
tborelli@lambdalegal.org

Paul D. Castillo (*pro hac vice*)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
3500 Oak Lawn Avenue, Suite 500
Dallas, Texas 75219
T. 214-219-8585 | F. 214-219-4455
pcastillo@lambdalegal.org

Richard M. Segal (*pro hac vice*)
Nathaniel R. Smith (*pro hac vice*)
PILLSBURY, WINTHROP, SHAW,
PITTMAN, LLP
501 W. Broadway, Suite 1100
San Diego, CA 92101
T. 619-234-5000 | F. 619-236-1995
richard.segal@pillsburylaw.com
nathaniel.smith@pillsburylaw.com

Kirsten Doolittle, Trial Counsel
BN: 942391
LAW OFFICE OF KIRSTEN DOOLITTLE, P.A.
The Elks Building
207 North Laura Street, Ste. 240
Jacksonville, FL 32202
Telephone: 904-551-7775
Facsimile: 904-513-9254
kd@kdlawoffice.com

Jennifer Altman, FBN: 881384
Markenzy Lapointe, FBN: 172601
Shani Rivaux, FBN: 42095
Aryeh Kaplan, FBN: 60558
PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP
600 Brickell Avenue Suite 3100
Miami, FL 33131
T. 786-913-4900 | F. 786-913-4901
jennifer.altman@pillsbury.com
markenzy.lapointe@pillsburylaw.com
shani.rivaux@pillsbury.com
aryeh.kaplan@pillsbury.com

William C. Miller (*pro hac vice*)
PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP
1200 17th St. NW
Washington, DC 20036-3006
T. 202-663-9455 | F. 202-663-8007
william.c.miller@pillsburylaw.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, causing a copy of the foregoing and all attachments to be served on all counsel of record.

/s/ Omar Gonzalez-Pagan
Omar Gonzalez-Pagan
(*pro hac vice*)
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, New York 10005-3919
T. 212-809-8585 | F. 212-809-0055
ogonzalez-pagan@lambdalegal.org