

1 JOSEPH H. HUNT  
 Assistant Attorney General  
 2 ANTHONY J. COPPOLINO  
 Deputy Director  
 3 LISA ZEIDNER MARCUS  
 Senior Counsel  
 4 VINITA B. ANDRAPALLIYAL  
 Trial Attorney  
 5 UNITED STATES DEPARTMENT OF JUSTICE  
 Civil Division, Federal Programs Branch  
 6 P.O. Box 883  
 Washington, DC 20044  
 7 Tel: (202) 305-0845  
 8 vinita.b.andrapalliyal@usdoj.gov  
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10 *Counsel for Defendants*

11  
 12 UNITED STATES DISTRICT COURT  
 13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 14 WESTERN DIVISION  
 15

16 ANDREW MASON DVASH-  
 17 BANKS and ETHAN JACOB  
 DVASH-BANKS

18 Plaintiffs,

19 v.

20  
 21 THE UNITED STATES  
 22 DEPARTMENT OF STATE, and  
 23 THE HONORABLE MICHAEL R.  
 POMPEO, Secretary of State,

24 Defendants.  
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No. CV 18-523-JFW-JC

DECLARATION OF VINITA B.  
 ANDRAPALLIYAL RE:  
 PLAINTIFFS' MOTION FOR FEES  
 AND COSTS

Honorable John F. Walter

1 I, Vinita B. Andrapalliyal, declare under penalty of perjury under the laws of  
2 the United States that all facts set forth in the foregoing declaration are true and  
3 correct.

- 4 1. I am a trial attorney at the United States Department of Justice, Civil  
5 Division, Federal Programs Branch. I am the attorney assigned to  
6 represent Defendants in the instant action, *Dvash-Banks v. U.S. Dep't of*  
7 *State*, 2:18-cv-00523, pending before this Court. I am lead trial counsel  
8 for Defendants in this action.
- 9 2. On April 1, 2019, pursuant to the Court's Order dated March 21, 2019,  
10 (ECF No. 127), I met in person with counsel for Plaintiffs to meet and  
11 confer regarding Plaintiffs' motion for attorneys' fees and costs (ECF  
12 No. 127). I, paralegal Kiviette Gray, and a representative from the  
13 United States Department of State were present on behalf of Defendants.  
14 Present for Plaintiffs were Theodore Edelman, Elizabeth Cassady, and  
15 Jessica Klein of Sullivan & Cromwell, and Aaron Morris from  
16 Immigration Equality. The Parties met and conferred at Sullivan &  
17 Cromwell's offices in Washington, D.C., from 3:00 p.m. until  
18 approximately 5:45 p.m.
- 19 3. The Parties discussed Plaintiffs' application for fees and costs pursuant to  
20 subsection (d) of the Equal Access to Justice Act, 28 U.S.C. § 2412  
21 ("EAJA"), and had a productive session but did not reach final agreement  
22 on any component of the Motion.
- 23 4. On April 4, 2019, the Parties reached an agreement in principle, subject  
24 to any required approval of the Court, on the amount to be paid by  
25 Defendants for attorneys' fees and costs if Defendants do not file an  
26 appeal in this action. This agreement was reached in a constructive spirit  
27 and Defendants do not concede that Plaintiffs are entitled to costs or  
28 attorneys' fees.

- 1 5. Defendants reserve all rights to oppose Plaintiffs' motion in the event  
2 that Defendants file an appeal.
- 3 6. The parties respectfully request that the Court adjourn until May 10,  
4 2019, the deadline for any further submissions in connection with the  
5 Motion. The parties further propose that on that date, they submit a joint  
6 status report concerning the status of the Motion and, if necessary, a  
7 proposed schedule for re-filing and briefing the Motion in the event of an  
8 appeal from the district court's judgment.
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10 Executed this Thursday, April 4, 2019, in Washington, D.C.

11 /s/ Vinita B. Andrapalliyal

12 VINITA B. ANDRAPALLIYAL

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