

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
 9

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 E.J. D.-B.

18 Plaintiffs,

19 v.

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

23 Defendants.
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No. 2:18-cv-000523-JFW-JC

**STIPULATION TO ADJOURN
DEADLINE FOR PLAINTIFFS'
MOTION FOR ATTORNEYS'
FEES AND COSTS**

Honorable John F. Walter

1 Defendants the United States Department of State and the Honorable Michael
2 R. Pompeo, Secretary of State (together, “Defendants” or “the Government”) and
3 Plaintiffs Andrew Mason Dvash-Banks and E.J. D.-B. (together, “Plaintiffs”)
4 (collectively, “the Parties”), hereby stipulate and agree, subject to the approval of
5 the Court as follows:

6 WHEREAS, on March 20, 2019, Plaintiffs filed a motion pursuant to the
7 Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”), for an award of attorneys’
8 fees and costs (“Motion”) (ECF No. 126) in the above-captioned action (“Action”);

9 WHEREAS, by minute order dated March 21, 2019, the Court struck the
10 Motion and directed the Parties to meet and confer further in an attempt to resolve
11 the Motion by agreement prior to making any further filings in connection with the
12 Motion (ECF No. 127);

13 WHEREAS, on April 4, 2019, the Parties reached an agreement-in-principle,
14 subject to any required approval of the Court, on the amount to be paid by
15 Defendants for attorneys’ fees and costs pursuant to the EAJA if Defendants do not
16 file an appeal in the Action;

17 WHEREAS, the Parties reached that agreement-in-principle in a constructive
18 spirit without Defendants conceding that Plaintiffs satisfy the criteria for an award
19 of fees and costs under the EAJA;

20 WHEREAS, the deadline for Defendants to appeal the Court’s Judgment in
21 the Action is May 6, 2019;

22 WHEREAS, the Parties believe that adjourning the deadline by which
23 Plaintiffs must re-file the Motion could render unnecessary the burdens and expenses
24 associated with further litigation and conserve judicial resources and that, at this
25 juncture, their resources could best be devoted to continued efforts toward finalizing
26 their agreement-in-principle;

27 WHEREAS, in view of the above considerations, the Parties proposed to the
28 Court that it adjourn the deadlines for re-filing of the Motion and direct the Parties

1 to file a joint status report no later than May 10, 2019, to apprise the Court of the
2 status of the Parties' settlement discussions and, if necessary, to propose a briefing
3 schedule for re-filing and briefing the Motion;

4 WHEREAS, by minute order entered April 5, 2019, the Court directed the
5 Parties to file this Stipulation and Proposed Order seeking an adjournment of the
6 deadlines for the Motion and directing the parties to file a joint status report on or
7 before May 10, 2019;

8 WHEREAS, the Parties are filing a separate proposed order for such relief,
9 pursuant to the Court's Standing Order (ECF No. 27 at p. 13);

10 WHEREAS, this is the Parties' fifth joint filing to extend any deadlines in this
11 case, and the Court granted the Parties' fourth joint motion to extend deadlines in
12 this case (ECF No. 75); and

13 WHEREAS, this extension request is not for the purpose of undue delay and
14 the continuance will not prejudice the conduct of the Action.

15
16 NOW THEREFORE, the Parties stipulate and agree, subject to the approval of the
17 Court, that the deadlines for Plaintiffs to re-file the Motion are adjourned *sine die*
18 and that the Parties shall file a joint status report no later than May 10, 2019 apprising
19 the Court of the status of the Parties' settlement discussions and, if necessary, to
20 propose a briefing schedule for re-filing and briefing the Motion.

21
22
23 Dated: April 8, 2019

Respectfully submitted,

Attorneys for Plaintiffs

24
25
26 By: s/ Alexa Lawson-Remer
ALEXA LAWSON-REMER
27 (lawsonr@sullcrom.com)
28 State Bar No. 268855
1888 Century Park East

1 Los Angeles, CA 90067-1725
2 Telephone: (310) 712-6600
3 Facsimile: (310) 712-8800

4 THEODORE EDELMAN
5 (*edelmant@sullcrom.com*)
6 (*pro hac vice*)

7 JESSICA M. KLEIN
8 (*kleinj@sullcrom.com*)
9 (*pro hac vice*)

10 -and-

11 IMMIGRATION EQUALITY

12 By: /s/ Aaron C. Morris

13 AARON C. MORRIS

14 (*amorris@immigrationequality.org*)
15 (*pro hac vice*)

16 40 Exchange Place

17 Suite 1300

18 New York, New York, 10005-2744

19 Telephone: (212) 714-2904

20 Attorneys for Defendants

21 JOSEPH H. HUNT

22 Assistant Attorney General

23 ANTHONY J. COPPOLINO

24 Deputy Director

25 By: s/ Vinita B. Andrapalliyal

26 VINITA B. ANDRAPALLIYAL

27 Trial Attorney

28 United States Department of Justice

Civil Division

Federal Programs Branch

P.O. Box 883, Ben Franklin Station

Washington, DC 20044

Tel: (202) 305-0845
Fax: (202) 616-8470
Email: vinita.b.andrapalliyal@usdoj.gov

LISA ZEIDNER MARCUS
Senior Counsel

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CERTIFICATE OF SERVICE

No. 2:18-cv-000523-JFW-JC

I hereby certify that I am over the age of 18 and not a party to the above-titled action. I am employed as a Trial Attorney at the United States Department of Justice, Civil Division, Federal Programs Branch. My business address is 20 Massachusetts Ave., N.W., Washington, DC 20530.

On April 8, 2019, I served this JOINT STIPULATION TO ADJOURN DEADLINE FOR PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES AND COSTS on each person or entity named below by uploading an electronic version of this document to the Court’s ECF system:

ALEXA LAWSON-REMER
lawsonr@sullcrom.com
SULLIVAN & CROMWELL
1888 Century Park East
Los Angeles, CA 90067-1725
Telephone: (310) 712-6600
Facsimile: (310) 712-8800

THEODORE EDELMAN
edelmant@sullcrom.com
JESSICA KLEIN
kleinj@sullcrom.com
SULLIVAN & CROMWELL
125 Broad Street
New York, New York 10004-2498
Telephone (212) 558-4000
Facsimile: (212) 558-3588

IMMIGRATION EQUALITY
AARON C. MORRIS
amorris@immigrationequality.org
40 Exchange Place
Suite 1300
New York, New York, 10005-2744
Telephone: (212) 714-2904

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct.

Executed on April 8, 2019, at Washington, DC.

By: s/Vinita B. Andrapalliyal

VINITA B. ANDRAPALLIYAL
Trial Attorney
United States Department of Justice
Civil Division

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**[PROPOSED] ORDER
 ADJOURNING DEADLINE FOR
 PLAINTIFFS' MOTION FOR
 ATTORNEYS' FEES AND COSTS**

Honorable John F. Walter
 United States District Judge

1 The Court has received and considered the Parties' declarations and joint
2 stipulation requesting to adjourn the deadline for Plaintiffs to move for attorneys'
3 fees and costs. (ECF Nos. 128, 129, 131.) The Parties have demonstrated good
4 cause for their request.

5 Therefore, it is hereby ORDERED that:

- 6 1. The deadline for Plaintiffs to refile a motion for attorneys' fees and
7 costs is adjourned *sine die* and;
- 8 2. The Parties shall file a joint status report no later than May 10, 2019,
9 apprising the Court of the status of the Parties' settlement discussions
10 and, if necessary, proposing a schedule for re-filing and briefing
11 Plaintiffs' Motion.

12
13 Dated _____, 2019

14 HONORABLE JOHN F. WALTER
15 UNITED STATES DISTRICT JUDGE

16 Presented by:

17 Attorneys for Plaintiffs

18 s/ Alexa Lawson-Remer
19 ALEXA LAWSON-REMER
20 (*lawsonr@sullcrom.com*)
21 State Bar No. 268855
22 1888 Century Park East
23 Los Angeles, CA 90067-1725
24 Telephone: (310) 712-6600
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125 Broad Street
New York, New York 10004-2498
Telephone (212) 558-4000
Facsimile: (212) 558-3588

s/ Aaron C. Morris
AARON C. MORRIS
IMMIGRATION EQUALITY
(amorris@immigrationequality.org)
(*pro hac vice*)
40 Exchange Place
Suite 1300
New York, New York, 10005-2744
Telephone: (212) 714-2904

Attorneys for Defendants

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