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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION (LOS ANGELES)**

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ANDREW MASON DVASH-  
BANKS, et al.,

Case No. 2:18-cv-00523-JFW-(JCx)

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Plaintiffs,

**JOINT STATUS REPORT**

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v.

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MICHAEL R. POMPEO,  
Secretary of State, et al.,

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Defendants.

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Pursuant to this Court’s Order of April 9, 2019 (ECF No. 132), the Parties,  
 23 by and through undersigned counsel, respectfully submit this Joint Status Report  
 24 regarding the status of settlement discussions relating to Plaintiffs’ application in  
 25 the above-captioned action (“Action”) for attorneys’ fees and costs pursuant to  
 26 subsection (d) of the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). The  
 27 Parties state as follows:

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1           1.     In their April 8, 2019, Joint Stipulation (ECF No. 131), the Parties  
2 recounted the procedural history of Plaintiffs’ application for attorneys’ fees, and  
3 reported to the Court that the Parties had “reached an agreement-in-principle,  
4 subject to any required approval of the Court, on the amount to be paid by  
5 Defendants for attorneys’ fees and costs pursuant to the EAJA if Defendants do not  
6 file an appeal in the Action.” (ECF No. 131 at 2:13–16).<sup>1</sup>

7           2.     On May 6, 2019, Defendants filed a notice of appeal, appealing to the  
8 U.S. Court of Appeals for the Ninth Circuit the Judgment entered by this Court on  
9 March 6, 2019. (ECF No. 133).

10          3.     Counsel for the Parties met and conferred on May 7, 2019. They  
11 agreed, subject to the approval of the Court, that the prudent course regarding  
12 Plaintiffs’ application for EAJA attorneys’ fees and costs would be to await  
13 issuance of a final, non-appealable judgement in this Action, including the  
14 conclusion of Defendants’ appeal and any subsequent appellate or remand  
15 proceedings. *See* 28 U.S.C. § 2412(d)(1)(B) (setting EAJA-fees-application  
16 deadline of 30 days after “final judgment”); *id.* § 2412(d)(2)(G) (defining “final  
17 judgment” for EAJA-deadline purposes as “a judgment that is final and not  
18 appealable”); *Al-Harbi v. I.N.S.*, 284 F.3d 1080, 1084 (9th Cir. 2002) (holding that  
19 the 30–day period during which an applicant can file for EAJA fees begins to run  
20 only after the conclusion of any appeal and the time for seeking a petition for writ  
21 of certiorari with the Supreme Court has expired).

22          4.     This Court has already adjourned *sine die* Plaintiffs’ deadline to refile  
23 a motion for attorneys’ fees and costs. *See* April 9, 2019 Order (ECF No. 132). The  
24 Parties therefore request that the Court defer consideration of Plaintiffs’  
25 application for attorneys’ fees and costs until after a final, non-appealable  
26 judgment is entered in the Action, and direct that the parties file a further joint

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28 <sup>1</sup> The Joint Stipulation noted that “the Parties reached that agreement-in-principle  
in a constructive spirit without Defendants conceding that Plaintiffs satisfy the  
criteria for an award of fees and costs under the EAJA.” (*Id.* at 2:17–19).

1 status report, to include their respective positions and any proposed schedule for  
2 further proceedings concerning Plaintiffs' application, if necessary, within 30 days  
3 after a final, non-appealable judgment is entered in the Action.

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5 Respectfully submitted,

6 By: /s/ Alexa M. Lawson-Remer

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