

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

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|--------------------------|---|-----------------------------------|
| GAVIN GRIMM, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Case No. 4:15-cv-54-AWA-DEM |
| |) | |
| GLOUCESTER COUNTY SCHOOL |) | |
| BOARD, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**JOINT MOTION
TO DEFER FILING OF BILL OF COSTS AND PETITION FOR FEES**

Pursuant to Federal Rule of Civil Procedure 54(d), Plaintiff Gavin Grimm and Defendant Gloucester County School Board respectfully request an order deferring the filing of Plaintiff’s bill of costs and petition for fees pending resolution of any proceedings before the Supreme Court. Specifically, the parties request that the Court enter an order directing Plaintiff’s bill of costs and petition for fees to be filed within 30 days after either (a) the Supreme Court’s denial of Defendant’s petition for a writ of certiorari or (b) the Supreme Court’s issuance of a certified copy of the judgment pursuant to Supreme Court Rule 45.3 in the event that the petition for writ of certiorari is granted.

In support of this Joint Motion the parties state as follows:

1. On August 9, 2019, this Court entered a final judgment, awarding Plaintiff declaratory relief, injunctive relief, nominal damages, and reasonable costs and attorneys’ fees pursuant to 42 U.S.C. § 1988. ECF No. 230.

2. On August 19, 2019, pursuant to Federal Rule of Civil Procedure 54(d)(2) and Local Civil Rule 54(d)(1), this Court granted the Parties' joint motion to defer the filing of Plaintiff's bill of costs and petition for fees until after the resolution of Defendant's appeal to the Fourth Circuit. ECF No. 232. Specifically, the Court directed that Plaintiff's bill of costs and petition for fees shall be filed within 21 days after the Fourth Circuit issues its mandate.

3. On August 26, 2020, the Fourth Circuit issued an opinion affirming this Court's final judgment. ECF No. 239.

4. On September 22, 2020, the Fourth Circuit denied Defendant's petition for rehearing en banc. ECF No. 244.

5. On September 30, 2020, the Fourth Circuit issued the mandate. Accordingly, Plaintiff's bill of costs and petition for fees are currently due on October 21, 2020.

6. Pursuant to Supreme Court's March 13, 2020, order related to COVID-19, the deadline for Defendants to file a petition for writ of certiorari with the Supreme Court is 150 days from the date of the Fourth Circuit's denial of rehearing. Accordingly, Defendant's petition for a writ of certiorari is due on February 19, 2021.

7. The Parties agree that interests of judicial economy would be best served by further deferring the filing of Plaintiff's bill of costs and petition for fees until after the resolution of Defendant's forthcoming petition for a writ of certiorari.

8. Specifically, the parties request that the Court enter an order directing Plaintiff's bill of costs and petition for fees to be filed within 30 days after either (a) the Supreme Court's denial of Defendant's petition for a writ of certiorari or (b) the Supreme Court's issuance of a certified copy of the judgment pursuant to Supreme Court Rule 45.3 in the event that the petition for writ of certiorari is granted.

Dated: October 8, 2020

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF VIRGINIA, INC.

GLOUCESTER COUNTY SCHOOL BOARD
By Counsel

_____/s/_____
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Counsel for Plaintiff Gavin Grimm

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of October 2020, I filed the foregoing Joint Motion to Defer Filing of Bill of Costs and Petition for Fees with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

_____/s/_____
Eden B. Heilman

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