

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DYLAN BRANDT, et al.,

PLAINTIFFS

v.

Case No. 4:21-CV-00450-JM

LESLIE RUTLEDGE, et al.,

DEFENDANTS

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR ATTORNEYS' FEES AND COSTS**

Plaintiffs respectfully move this Court for the entry of an order extending the deadline to move for attorneys' fees and costs under Federal Rule of Civil Procedure 54 until 45 days after the entry of a final judgment on the merits at the conclusion of the above-captioned case. Defendants do not oppose the requested relief.

In support of this Motion, Plaintiffs state as follows:

1. On May 25, 2021, Plaintiffs filed a Complaint for Injunctive and Declaratory Relief (Doc. No. 1) in the above-captioned action, challenging Act 626, which bans gender-affirming medical care in Arkansas for transgender people under age 18. *See* Act 626, to be codified at Ark. Code Ann. §§ 20-9-1501 to 1504 and § 23-79-164. Plaintiffs sought relief under 42 U.S.C. § 1983 and requested reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988. *See* Compl. at p. 46.

2. On June 15, 2021, Plaintiffs filed a Motion for a Preliminary Injunction (Doc. No. 11). This Court issued a Preliminary Injunction on July 21, 2021 (Doc. No. 59) enjoining Defendants' enforcement of the challenged Act.

3. Federal Rule of Civil Procedure 54 instructs that a claim for attorney’s fees and related expenses must generally be made by motion, which must “be filed no later than 14 days after the entry of judgment” unless a statute or a court order provides otherwise. *See* Fed. R. Civ. P. 54(d).

4. On July 16, 2021, the Eighth Circuit issued an opinion in *Spirit Lake Tribe v. Jaeger*, No. 20-2142, 2021 WL 3008740, at *2 (8th Cir. July 16, 2021), finding, as a matter of first impression, that entry of an order granting a preliminary injunction constitutes an “entry of judgment” triggering the fourteen-day deadline to move for attorney’s fees under Federal Rule of Civil Procedure 54.

5. The Eighth Circuit also made clear, however, that district courts have discretion to extend the deadline for the filing of motions for attorneys’ fees and costs. *Id.* at *3; *see also* Fed. R. Civ. P. 6(1)(A) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time” on a party’s motion “before the original time or its extension expires[.]”).

6. Plaintiffs intend to file a motion for statutory attorneys’ fees and costs incurred in the above-captioned case, including fees and costs incurred in litigating their motion for a preliminary injunction. However, Plaintiffs submit that it would be more efficient for the Court and for the parties if they file a single motion for attorneys’ fees at the conclusion of this case.

7. In light of the Eighth Circuit’s decision in *Spirit Lake Tribe*, Plaintiffs respectfully move this Court to exercise its discretion to issue an order setting a new deadline for filing a motion for attorneys’ fees and costs as 45 days following the entry of a final judgment at the conclusion of this case. *Id.*; Fed. R. Civ. P. 6(b)(1)(A), 54(d)(2)(B).

8. As noted above, Defendants do not oppose the requested relief.

Dated: July 28, 2021

Respectfully submitted,

/s/ Leslie Cooper

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