

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

GAVIN GRIMM,

Plaintiff,

v.

Case No. 4:15-cv-00054-AWA-DEM

GLOUCESTER COUNTY SCHOOL
BOARD,

Defendant.

**GLOUCESTER COUNTY SCHOOL BOARD'S CONSENT MOTION FOR EXTENSION
OF TIME TO FILE A BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

Defendant Gloucester County School Board ("School Board"), by counsel, states as follows for its Consent Motion for Extension of Time to File a Brief in Opposition to Plaintiff's Motion for Attorneys' Fees and Costs:

1. On August 9, 2019, this Court entered an Order granting Judgment to Plaintiff, Gavin Grimm, and awarding Grimm nominal damages of one dollar and reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988. [ECF Doc. 230] The School Board filed an appeal with the United States Court of Appeals for the Fourth Circuit.

2. While on appeal and at the Parties' joint request, this Court entered an Order deferring the filing of a bill of costs and petition for fees by Plaintiff until 21 days after the Fourth Circuit issued its mandate. [ECF Doc. 232] Thereafter, at the Parties' joint request, this Court entered another Order deferring the filing of a bill of costs and petition for fees by Plaintiff until 30 days after the denial of the School Board's petition for a writ of certiorari or 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. [ECF Doc. 248]

3. On June 28, 2021, the Supreme Court of the United States denied the School Board's petition for a writ of certiorari. [See ECF Doc. 251]

4. On July 26, 2021, Plaintiff filed a Motion for Attorneys' Fees and Costs pursuant to Federal Rule of Civil Procedure 54(d) seeking a total of \$1,284,735.75 in attorney's fees and \$27,467.85 in litigation expenses and costs. [ECF Doc. 252] On this same date, Grimm filed a detailed brief in support of the motion with supporting affidavits. [ECF Doc. 253]

5. Pursuant to Fed. R. Civ. P. local rule 7(F), the School Board's opposition to Grimm's Motion for Attorneys' Fees and Costs is due within 14 days after service. As such, the School Board's opposition brief is due on August 9, 2021.

6. Counsel for Grimm has consented to a 14 day extension of time for the School Board to file an opposition brief to Grimm's Motion for Attorneys' Fees and Costs.

7. Accordingly, the School Board requests that its deadline to file an opposition brief to Plaintiff's Motion be extended fourteen (14) days until August 23, 2021 so that it can adequately respond to Plaintiff's Motion.

8. There is good cause for an extension of time in light of the issues that have been litigated in this matter and the significant fee request sought by Grimm. Further, there is no bad faith in the School Board's request for an extension of time. To that end, Plaintiff consents to this extension of time and will not be prejudiced by this short extension.

9. Fed. R. Civ. P. 6(b)(1)(A) permits this Court to extend the time for the School Board to file its opposition brief as the original time to file has not yet expired. See id. ("When an act may or must be done within a specified time, the court may, for good cause, extend the time with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires . . ."). This Rule gives the court wide discretion to grant a request

for additional time that is made prior to the expiration of the period originally prescribed. See, 4B Fed. Prac. & Proc. Civ. § 1165 (4th ed.) Indeed, “An application under Rule 6(b)(1) normally will be granted in the absence of bad faith or prejudice to the adverse party.” Structural Concrete Prod., LLC v. Clarendon Am. Ins. Co., 244 F.R.D. 317, 327 (E.D. Va. 2007); see also Curtis v. Norfolk S. Ry. Co., 206 F.R.D. 548, 550 (M.D.N.C. 2002) (Rule 6(b)(1) motions are liberally granted.)

10. The School Board has dispensed with filing a brief in support of this motion pursuant to Local Rule 7(F)(2)(b).

WHEREFORE, for the foregoing reasons, Gloucester County School Board, by counsel and with consent of the Plaintiff, respectfully requests that this Court grant this Motion and extend the time to file an opposition brief to Plaintiff’s Motion for Attorneys’ Fees and Costs until August 23, 2021.

GLOUCESTER COUNTY SCHOOL BOARD

By Counsel

/s/
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CERTIFICATE

I hereby certify that on the 4th day of August, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/

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