

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

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|--|---|------------------------|
| RICHARD ROE, <u>et al.</u> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | 1:18-cv-1565 (LMB/IDD) |
| |) | |
| LLOYD J. AUSTIN, Secretary of Defense, <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |

ORDER

On April 6, 2022, the Court granted plaintiffs’ summary judgment motion, denied defendants’ summary judgment motion, and ordered the parties to “meet and confer to determine whether they can resolve the amount of attorneys’ fees and expenses to which plaintiffs’ counsel are entitled and provide a joint status report on the issue within thirty (30) days.” [Dkt. No. 320]. Plaintiffs’ filed a Joint Status Report on May 4, 2022, informing the Court that the parties are unable to resolve the issue. [Dkt. No. 323]. Although plaintiffs argue they are entitled to fees under the Equal Access to Justice Act (“EAJA”), defendants argue that it is too early to decide the issue because there has not been a “final judgment” for purposes of the EAJA. As defendants request, and for good cause shown, it is hereby

ORDERED that the parties file a joint status report on the subject of attorneys’ fees and expenses within thirty (30) days.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 4th day of May, 2022.

Alexandria, Virginia

lsl 

Leonie M. Brinkema
United States District Judge