

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

NEW HOPE FAMILY SERVICES, INC.,
a New York nonprofit corporation,

Plaintiff,

5:18-cv-1419 (MAD/TWD)

vs.

SHEILA J. POOLE, in her official capacity
as the Acting Commissioner for the Office of
Children and Family Services for the State
of New York,

**UNOPPOSED MOTION FOR
EXTENTION OF TIME TO FILE
MOTION FOR ATTORNEY'S
FEES AND COSTS**

Defendant.

Plaintiff, New Hope Family Services, Inc., respectfully requests an extension of time to file a motion for attorney's fees and costs.

1. On September 7, 2022, this Court issued judgment in favor of Plaintiff. ECF No. 81.

2. Under Fed. R. App. P. 4(a)(1), Defendant may file a notice of appeal within 30 days after entry of judgment, or by October 7, 2022.

3. But under Fed. R. Civ. P. 54(d)(2), Plaintiff must file any motion for attorneys' fees "no later than 14 days after the entry of judgment," or by September 21, 2022, weeks before Defendant's appeal deadline.

4. And under Local Rule 54.1(a), Plaintiff must file its bill of costs 30 days after entry of judgment, or by October 7, 2022, the same day as Defendant's appeal deadline.

5. The parties have conferred and agree that it is appropriate that Plaintiff's motion for attorney's fees and bill of costs should be filed 30 days after Defendant's October 7, 2022, appeal deadline, or by **November 7, 2022**.

6. The proposed extension will not result in undue delay or prejudice, and the extension will prevent the unnecessary preparation of fee and cost submissions that could become obsolete in the event of an appeal.

7. Plaintiff respectfully requests that the Court issue an order granting the unopposed motion for an extension of time to file its motion for attorney's fees and costs.

8. Given the time-sensitive and ministerial nature of this non-dispositive motion, Plaintiff requests that the Court dispense with the requirement of a court conference under Local Rule 7.1(a)(2).

Respectfully submitted this 12th day of September, 2022,

s/ Mark A. Lippelmann
Mark A. Lippelmann, Esq.
Alliance Defending Freedom
Attorneys for Plaintiff
15100 N 90th St
Scottsdale, AZ 85260
Telephone: (480) 444-0020

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2022, I filed a true and accurate copy of the foregoing document with the Clerk of Court using the CM/ECF system, which automatically sends an electronic notification to the attorneys on record.

s/ Mark A. Lippelmann
Mark A. Lippelmann, Esq.
Alliance Defending Freedom
Attorneys for Plaintiff
15100 N 90th St.
Scottsdale, AZ 85260
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Defendant.

**[PROPOSED] ORDER
GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR
ATTORNEYS' FEES AND
COSTS**

This matter is before the Court on Plaintiff's Unopposed Motion for Extension of Time to File Motion for Attorneys' Fees and Costs. The Court, having reviewed the motion and being otherwise sufficiently advised, orders as follows:

IT IS HEREBY ORDERED

1. Plaintiff's Unopposed Motion for Extension of Time to File Attorneys' Fees is GRANTED.

2. Plaintiff's Motion for Attorney's Fees shall be filed on or before November 7, 2022.

3. Defendant's Opposition to Plaintiff's Motion for Attorneys' Fees and Costs shall be filed on or before November 28, 2022. *See* Local Rule 7.1(a)(2).

4. Plaintiff's Reply in support of its motion shall be filed on or before December 5, 2022. *See* Local Rule 54.1(a) ("The prevailing party may file a reply to the objections within 7 days of the filing of the objections").

Done this _____ day of _____, 2022.
