

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

AUGUST DEKKER, et al.,

Plaintiffs,

v.

JASON WEIDA, et al.,

Defendants.

No. 4:22-cv-00325-RH-MAF

**PLAINTIFFS' CONSENT MOTION TO EXTEND TIME TO FILE A
MOTION FOR ATTORNEY'S FEES AND COSTS**

Pursuant to Local Rules 6.1 and 7.1, Plaintiffs, by and through their attorneys, hereby respectfully move for an extension of time in which to file a motion for attorney's fees and bill of costs. Plaintiff seeks an extension of time in which to file their motion for entitlement to attorney's fees and bill of costs until either (i) 30 days after any further appellate review, including *en banc* proceedings before the U.S. Court of Appeals for the Eleventh Circuit or proceedings before the U.S. Supreme Court, becomes final, or (ii) the time for seeking such review expires, whichever is later.

Local Rule 54.1 sets forth a bifurcated procedure under which a prevailing party may move to attorney's fees and costs. Under this bifurcated procedure, a party who seeks an award of attorney's fees must (a) first move for a determination

of the party's entitlement to a fee award within 14 days after the entry of the judgment, and (b) may move for a determination of the amount of an award only after the Court determines the party's entitlement to an award. LR 54.1 (A), (B).

On June 21, 2023, the Court issued its Findings of Fact and Conclusions of Law. Doc. 246. The following day the Court issued its Judgment. Doc. 247. On June 26, 2023, Defendants noticed their appeal to the U.S. Court of Appeals for the Eleventh Circuit from the Court's final judgment, and findings of fact and conclusions of law. Doc. 248.

The requested extension serves the interests of both judicial and party economy. First, deferring adjudication of attorney's fees and cost until all litigation is complete would allow this Court to rule on those issues once the prevailing parties have been finally determined. Other courts have similarly extended the deadline for seeking attorney's fees until the completion of all appeals. *See, e.g., Planned Parenthood of Cent. N.J. v. Attorney Gen. of N.J.*, 297 F.3d 253, 258 (3d Cir. 2002) ("the District Court entered an order extending the time to file for attorneys' fees until 30 days after the conclusion of all appeals in the case."). Second, the additional time would serve allow the parties to pursue a potential out-of-court settlement of attorney's fees and costs, thereby possibly obviating the need for this Court to adjudicate those issues.

For these reasons, Plaintiffs respectfully request that the Court grant the instant motion and extend the deadline for Plaintiff to file a motion for entitled to attorney's fees and costs.¹

CERTIFICATE OF CONFERRAL

Pursuant to Local Rule 7.1(D), Counsel for Plaintiffs certifies they conferred with Defendants' counsel via email and that Defendants consent to the relief requested herein.

Dated this 3rd day of July 2023.

Respectfully submitted,

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¹ Alternatively, should the Court not be inclined to grant the instant motion, Plaintiff requests the deadline to request fees and costs be extended until 30 days after disposition of this motion.

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CERTIFICATE OF WORD COUNT

As required by Local Rules 7.1(F), I certify that this Notice of Supplemental Authority contains 492 words.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of July 2023, a true copy of the foregoing has been filed with the Court utilizing its CM/ECF system, which will transmit a notice of electronic filing to counsel of record for all parties in this matter registered with the Court for this purpose.

/s/ Omar Gonzalez-Pagan
Counsel for Plaintiffs