

**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**

**TIM GRIFFIN, in his official capacity as  
Arkansas Attorney General, *et al.***

**DEFENDANTS.**

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants respectfully request that the Court extend their deadline to respond to Plaintiffs' Motion for Attorneys' Fees and Costs (Doc. 298) until 45 days after the final resolution of the appeal in this case. Alternatively, Defendants request that the Court extend the deadline to December 15, 2023. Plaintiffs do not oppose either request.

1. This Court entered its final judgment on June 20, 2023. (Doc. 284.) Plaintiffs' original deadline to seek fees and costs fell on July 5. *See* Fed. R. Civ. P. 54(d)(2)(B)(i). Plaintiffs, without opposition from Defendants, sought an extension of that deadline, (Doc. 285), which the Court granted in part. (Doc. 286.) The Court extended Plaintiffs' deadline to September 20—90 days following the Court's entry of judgment.

2. Plaintiffs filed their motion for fees and costs on September 20. (Doc. 298.) It is accompanied by hundreds of pages of declarations and exhibits supporting their request for over \$3.5 million in fees and costs.

3. Deferring a ruling on attorneys' fees and costs until after the resolution of the appeal in this matter would conserve judicial and party resources. Should Defendants prevail on appeal, the issue of fees and costs would be moot. *See* 28 U.S.C. 1988(b) (providing fee awards only to

prevailing parties). And the appellate proceedings may otherwise influence any eventual fee award even if Defendants do not prevail.

4. Defendants therefore request that the Court extend their deadline to respond to Plaintiffs motion for fees and costs until 45 days after the final resolution of the appeal in this matter.

5. Plaintiffs do not oppose this request.

6. In the alternative, if the Court declines to hold briefing on fees and costs until after the resolution of the appeal, Defendants request that their deadline to respond be extended to December 15. That would provide Defendants with 86 days to respond to Plaintiffs' motion (which the Court provided them 90 days to prepare). An extension is reasonable and necessary in light of the hundreds of pages of documents Defendants' counsel will be required to review to assess Plaintiffs' multimillion dollar request.

7. Plaintiffs do not oppose Defendants' alternative requested extension.

8. Therefore, Defendants respectfully request that the Court grant this unopposed motion and extend their deadline to respond to Plaintiffs' motion for attorneys' fees and costs (Doc. 298) until 45 days after the resolution of Defendants' appeal; or, in the alternative, that the Court extend Defendants' deadline to respond until December 15, 2023.

Respectfully submitted,

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