

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SANDRA LITTLE COVINGTON, et al.,

Plaintiffs,

v.

STATE OF NORTH CAROLINA, et al.,

Defendants.

No. 1:15-cv-399

**CONSENT MOTION FOR AN EXTENSION OF TIME TO FILE
MOTIONS FOR ATTORNEYS' FEES AND COSTS**

All Plaintiffs in the above-captioned action, by and through counsel, and pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6.1(a), respectfully move this Court for an unopposed extension of time in which to file their motions for attorneys' fees and costs. In support of this Motion, Plaintiffs show the court the following:

1. Plaintiffs' Amended Complaint, ECF No. 11 at 11, 93, requests an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988.
2. Plaintiffs are also entitled to recover their taxable costs in this action. 28 U.S.C. § 1920; Local Rule 54.1.
3. Plaintiffs wish to preserve their right to seek attorneys' fees and costs incurred, but also believe that having additional time to address this issue may permit the parties to reach resolution without court action. Plaintiffs further desire to avoid the needless expenditure of time for the Court and for counsel.

4. Under Local Civil Rule 54.2, the deadline for filing a motion for statutory attorneys' fees and costs is sixty days after judgment, and under Local Civil Rule 54.1 the deadline for filing a bill of costs is thirty days after expiration of time allowed for appeal of the final judgment or, if an appeal is filed, thirty days after the clerk receives an order terminating the action on appeal.

5. On August 15, 2016, this Court issued its judgment in this action. ECF No. 125. Thus, the deadline to file a motion for attorneys' fees and costs falls on October 14, 2016.

6. On September 13, 2016, Defendants filed a notice of appeal of this Court's August 15 judgment to the U.S. Supreme Court. ECF No. 130. Thus, the deadline to file a bill of costs falls thirty days after the clerk receives an order terminating the action on appeal. During the pendency of appellate proceedings, Plaintiffs will continue to accrue costs and fees.

7. In addition, after roughly a year and a half of litigation, and because of the ongoing post-judgment remedial proceedings in this Court which have required additional time by counsel that could not be devoted to preparing a fee petition, Plaintiffs need an extension of time in which to prepare the necessary documents associated with a bill of costs and motion for attorneys' fees and costs.

8. Plaintiffs' counsel has consulted with Defendants' counsel, who consents to the additional time requested herein for Plaintiffs to file a bill of costs and motions for attorneys' fees and costs.

Therefore, Plaintiffs respectfully request that the deadlines for all motions and petitions related to attorneys' fees and costs be extended until thirty days after the U.S. Supreme Court makes a final ruling on the case.

In support of this Motion, in compliance with Local Rules 5.3(f)(2) and 7.3(j), Plaintiffs submit the accompanying Proposed Order.

Respectfully submitted this 11th day of October, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing **Consent Motion for an Extension of Time to File Motions for Attorneys' Fees and Costs** with the Clerk of Court using the CM/ECF system, which will automatically send an electronic copy to the following attorneys of record:

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This the 11th day of October, 2016.

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