

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:13-CV-00949**

DAVID HARRIS and CHRISTINE
BOWSER,

Plaintiffs,

v.

PATRICK MCCRORY, in his capacity as
Governor of North Carolina; NORTH
CAROLINA STATE BOARD OF
ELECTIONS; and A. GRANT WHITNEY,
JR., in his capacity as Chairman of the
North Carolina State Board of Elections,

Defendants.

**JOINT MOTION TO STAY
DECISION ON FEE PETITION**

The parties, by and through their respective counsel, jointly move the Court to defer ruling on plaintiffs' Motion for Award of Attorneys' Fees and Litigation Expenses (the "Fee Petition"). (D.E. 165) In support of this motion, the parties show the Court as follows:

1. Plaintiffs filed the Fee Petition on April 5, 2016. (D.E. 165)
2. The parties jointly stipulated and agreed to an extension of time for defendants to respond to the Fee Petition on April 19, 2016. (D.E. 167)
3. Defendants' response to the Fee Petition is currently due May 23, 2016. (D.E. 168) Defendants are moving for an additional extension of time to respond to the Fee Petition contemporaneously with the instant Motion, to which plaintiffs consent.

Defendants do not anticipate filing further requests for extensions of time to respond to the Fee Petition.

4. Plaintiffs have filed a Motion to Affirm this Court's Final Judgment (D.E. 143) with the Supreme Court of the United States. Defendants are opposing the Motion to Affirm.

5. The parties jointly move the Court to defer ruling on plaintiffs' Fee Petition until after the Supreme Court of the United States either grants plaintiffs' Motion to Affirm or resolves the appeal after full briefing and argument.

6. Deferring a ruling on plaintiffs' Fee Petition is justified. Deferral promotes judicial economy because the full extent of the fee amount that plaintiffs seek from defendants will not be known until after the Supreme Court of the United States has fully ruled on plaintiffs' Motion to Affirm or otherwise resolves the appeal after full briefing and argument. Both plaintiffs and defendants consent to the instant motion to defer.

WHEREFORE, plaintiffs and defendants respectfully request that the Court defer ruling on the Fee Petition until the conclusion of proceedings in the United States Supreme Court in this matter.

Respectfully submitted, this the 19th day of May, 2016.

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CERTIFICATE OF SERVICE

I, Thomas A. Farr, hereby certify that I have this day electronically filed the foregoing **JOINT MOTION TO STAY DECISION ON FEE PETITION** with the Clerk of Court using the CM/ECF system which will provide electronic notification of the same to the following:

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This the 19th day of May, 2016.

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ORDER

The parties have jointly moved the Court to defer ruling on plaintiffs' Motion for Award of Attorneys' Fees and Litigation Expenses until after the Supreme Court of the United States either grants plaintiffs' Motion to Affirm this Court's Final Judgment or resolves the appeal after full briefing and argument. The Court **GRANTS** the parties' joint motion and will **DEFER** ruling on plaintiffs' Motion for Award of Attorneys' Fees and Litigation Expenses until after the Supreme Court of the United States either grants plaintiffs' Motion to Affirm this Court's Final Judgment or resolves the appeal after full briefing and argument.

This the ____ day of May, 2016.

United States District Judge