

**IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF NEW MEXICO**

**THE AMERICAN CIVIL LIBERTIES UNION
OF NEW MEXICO, et al.,**

Plaintiffs,

v.

No. CIV 05-1136 MCA/WDS

**MILLIE U. SANTILLANES,
ALBUQUERQUE CITY CLERK,**

Defendant.

**PLAINTIFFS' UNOPPOSED MOTION TO STAY PROCEEDINGS RELATING
TO PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND
EXPENSES AND PLAINTIFFS' BILL OF COSTS**

Plaintiffs, by undersigned counsel, respectfully move this Court for its order staying proceedings in this Court relating to both the Plaintiffs' Motion for Attorneys' Fees and Expenses and Plaintiffs' Motion to Tax Costs pending resolution of the appeal on the merits taken by defendant from this Court's Final Order entered herein. As grounds, plaintiffs state:

1. Defendant does not oppose this motion.
2. Defense counsel has communicated to undersigned counsel the definite intent of the defendant to appeal this Court's Final Order (Doc. 92) and the February 12, 2007 Memorandum Opinion and Order (Doc. 88) granting injunctive relief on which the Final Order is based.
3. Based on the Final Order entered herein, plaintiffs are the prevailing parties for purposes of an award of attorneys' fees and expenses under 42 U.S.C. § 1988 and statutory costs pursuant to Fed. R. Civ. P. 54. And based on the Final Order, plaintiffs' fee motion and motion to tax costs must be filed on or before April 6, 2007. D.N.M. LR-Cv 54.1, 54.5.
4. As a matter of judicial economy and efficiency, proceedings in this Court related to

attorneys' fees and litigation expenses pursuant to 42 U.S.C. § 1988 and statutory costs should be stayed pending the resolution of defendant's appeal on the merits. If plaintiffs prevail on appeal, then the issue of fees and costs, as well as plaintiffs' appellate fees and costs, may be addressed after remand in a single proceeding before this Court. If plaintiffs do not prevail on appeal, their entitlement to fees and costs will have been extinguished and any work undertaken by this Court and counsel for the parties on the issues of fees and costs in advance of the resolution of the appeal will have been wasted.

5. No undue delay or prejudice will result from the grant of this motion.

WHEREFORE, plaintiffs respectfully request this Court grant the relief sought herein and enter its order that should defendant appeal from the Final Order entered herein on March 6, 2007, the time for plaintiffs to file their motions for attorneys' fees and expenses and to tax costs be stayed until 30 days after the date the mandate from the appellate courts is returned to this Court.

Respectfully submitted,

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Fee Counsel for Plaintiffs

I hereby certify that on March 7, 2007, I filed the foregoing pleading electronically through the CM/ECF system and caused the following parties and/or counsel to be served as follows:

Electronically through the CM/ECF system:

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(C:\CF\Voter ID case - fees\motion to stay proceedings re fees and expenses pending appeal.030607.wpd)