

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUTHELLE FRANK, *et al.*,

Plaintiffs,

v.

Case No. 11-CV-1128

SCOTT WALKER, *et al.*,

Defendants.

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS OF WISCONSIN, *et al.*,

Plaintiffs,

v.

Case No. 12-CV-185

JUDGE DAVID G. DEININGER, *et al.*,

Defendants.

**JOINT MOTION FOR AN ORDER HOLDING IN ABEYANCE PROCEEDINGS
REGARDING ATTORNEYS' FEES AND COSTS**

Pursuant to Fed. R. Civ. P. 54(d) and Civil Local Rule 54(a)(2), and upon the Parties' Stipulation filed herewith, the Parties to the above captioned actions hereby jointly move for entry of an order holding in abeyance any proceedings regarding the award of costs or attorneys' fees in this action until 30 days after the United States Court of Appeals for the Seventh Circuit has decided any potential appeal by the *Frank* Plaintiffs.

On October 19, 2015, this Court entered a Decision and Order [Doc. #250] dismissing the remainder of the claims asserted by the Plaintiffs in *Frank v. Walker*, Case No. 11-CV-1128. The

Court entered judgment for Defendants and against Plaintiffs on November 5, 2015. [Doc. #253.] The *Frank* Plaintiffs may take an appeal to the United States Court of Appeals for the Seventh Circuit.

Pursuant to Fed. R. Civ. P. 54(d), a claim for attorney's fees or costs must be filed no later than 14 days after the entry of judgment "[u]nless . . . a court order provides otherwise." Civil Local Rule 54(a)(2) provides that "[w]hen an appeal is taken, the parties may file a stipulation to delay the filing of the bill of costs until after the appeal is decided." Thus, upon the stipulation of the parties, this Court has discretion to extend the timing and contents of any motion for attorneys' fees or costs and any filing of the bill of costs until after such time as appellate proceedings are completed.

Because any party's entitlement to fees or costs may depend on the outcome of any appeal, the parties agree that the interests of justice, as well as the interests of judicial economy, will be served by holding any fee or cost issues in abeyance until after any appeal by the *Frank* Plaintiffs to the Court of Appeals for the Seventh Circuit is decided.

For the foregoing reasons, the Parties respectfully request that this Court grant the joint motion. If the *Frank* Plaintiffs do not appeal, the Parties agree that any motion(s) for fees or costs or bills of costs will be filed within 30 days after the time to appeal has elapsed.

Pursuant to Civ. L. Rule 7(h), the undersigned certify that no brief or other supporting documents – other than the Stipulation of the Parties – will be filed with this Motion.

Dated: November 12, 2015

/s Sean J. Young
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One of the Attorneys for Plaintiffs in *Frank v. Walker*

Dated: November 12, 2015

/s John C. Ulin
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One of the Attorneys for Plaintiffs in *LULAC v. Deininger*

Dated: November 12, 2015

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