

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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RUTHELLE FRANK, *et al.*,

Plaintiffs,

v.

Case No. 11-CV-1128

SCOTT WALKER, *et al.*,

Defendants.

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

Plaintiffs,

v.

Case No. 12-CV-185

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

Defendants.

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

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Pursuant to Fed. R. Civ. P. 54(d) and Civil Local Rule 54(a)(2) and the Stipulation filed herewith, the Parties jointly move for an Order holding in abeyance all deadlines or proceedings regarding the award of attorneys' fees or costs in this action until 30 days after the completion of all appellate proceedings before the United States Court of Appeals for the Seventh Circuit and the United States Supreme Court.

On May 7, 2014, this Court granted the parties' previous Joint Motion for Entry of an Order Holding in Abeyance Proceedings Regarding Attorneys' Fees and Costs, ordering that "all

issues relating to an award of attorneys' fees and costs shall be held in abeyance" "until after any appeals to the United States Court of Appeals for the Seventh Circuit are decided." [Doc. #130]

Defendants appealed [Doc. #131] and on October 6, 2014, the United States Court of Appeals for the Seventh Circuit reversed and entered final judgment. [7th Cir. Doc. #75].

On October 7, 2014, Plaintiffs filed an Emergency motion with the Court of Appeals for a stay of judgment and mandate pending further review. [7th Cir. Doc. #76]. On October 9, 2014, the United States Supreme Court entered an order upon Plaintiffs' application, vacating the Seventh Circuit's stay of this Court's permanent injunction, pending the timely filing and disposition of a petition for a writ of certiorari. [7th Cir. Doc. #77]. On October 15, the Court of Appeals entered an order granting Plaintiffs' motion for a stay of the mandate [7th Cir. Doc. #79]; the stay is to expire automatically if the time to file a petition for certiorari expires without a petition being filed or if a petition is denied, and will continue pending the Supreme Court's decision if a petition is filed and granted. [Doc. #145]. On October 20, Defendants filed a Bill of Costs with the Court of Appeals. [7th Cir. Doc. #80].

Pursuant to Fed. R. Civ. P. 54(d), a claim for attorneys' fees and costs other than attorneys' fees must be filed no later than 14 days after the entry of judgment, "[u]nless . . . a statute or a court order provides otherwise." Civil Local Rule 54(a)(2) provides that "when 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 a motion for attorneys' fees and/or costs and the filing of the bill of costs until after such time as appellate proceedings are completed. The Parties' stipulation, filed herewith, agrees to hold in abeyance all further filings related to fees and costs until 30 days after the Court of Appeals enters its mandate, or until 30 days after final disposition

of any further proceedings on appeal before the Court of Appeals or the Supreme Court, whichever is later.

Because any entitlement to an award of costs and/or fees will depend upon the decision of the Supreme Court on *certiorari*, or any other proceedings on appeal before the Court of Appeals or the Supreme Court, the parties agree that the interests of justice and judicial economy will be served by holding all issues and proceedings related to fees and costs in abeyance until after final disposition of all proceedings on appeal before the Court of Appeals or the Supreme Court.

For the foregoing reasons, the Parties respectfully request that this Court grant the joint motion.

Pursuant to Eastern District Civil L.R. 7(a)(2), the undersigned hereby certify that no memorandum or supporting papers, other than the stipulation and proposed order filed herewith, will be filed.

Dated: November 3, 2014

Respectfully submitted,

/s/ Laurence J. Dupuis

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**CERTIFICATE OF SERVICE**

I certify that on November 3, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will accomplish electronic notice and service on all counsel of record who are registered CM/ECF users.

/s/ Nathan D. Foster

Nathan D. Foster

Attorney for Plaintiffs in *LULAC v. Deininger*