## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

BOBBY SINGLETON, et al., *Plaintiffs*,

v.

No. 2:21-cv-1291-AMM Three-Judge Court

WES ALLEN, et al., *Defendants*.

## JOINT MOTION FOR A BRIEFING SCHEDULE ON SINGLETON PLAINTIFFS' STATUS AS PREVAILING PARTIES

On October 20, 2023, all parties in this case moved for a scheduling order regarding attorneys' fees. ECF No. 213. The parties asked the Court to set deadlines for status reports on December 15, 2023 and January 19, 2024 to enable the parties to continue "discussions to determine whether the issue of attorneys' fees can be resolved without the need for further Court action." *Id.* at 2. That motion was granted on October 25, 2023. ECF No. 214.

Discussions between the *Singleton* Plaintiffs and the Defendants have broken down because of a disagreement on a threshold issue. The *Singleton* Plaintiffs believe that they are "prevailing parties" under 42 U.S.C. § 1988 and 52 U.S.C. § 10310, and thus are entitled to attorneys' fees. The Defendants believe that the *Singleton* Plaintiffs are not prevailing parties. Until this dispute is resolved, there is no prospect of resolving the issue of attorneys' fees between the *Singleton* Plaintiffs and the Defendants without the need for further Court action.

The *Singleton* Plaintiffs and the Defendants jointly request that the Court vacate the deadlines for status reports as to the *Singleton* Plaintiffs' claims, and enter the following schedule for briefing on whether the *Singleton* Plaintiffs are prevailing parties:

Singleton Plaintiffs' Opening Brief: December 18, 2023

Defendants' Response: January 12, 2024

Singleton Plaintiffs' Reply: January 26, 2024

Dated: November 29, 2023

Steve Marshall Attorney General

/s/ Edmund G. LaCour Jr.

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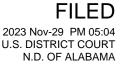
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#### [PROPOSED] SCHEDULING ORDER REGARDING SINGLETON PLAINTIFFS' STATUS AS PREVAILING PARTIES

The *Singleton* Plaintiffs' and Defendants' Joint Motion for a Briefing Schedule on *Singleton* Plaintiffs' Status as Prevailing Parties is GRANTED. The deadlines for status reports set out in the Court's order, ECF No. 214, are VACATED with respect to the *Singleton* Plaintiffs only. The parties shall brief whether the *Singleton* Plaintiffs are prevailing parties according to the following schedule:

Singleton Plaintiffs' Opening Brief: December 18, 2023

Defendants' Response: January 12, 2024

Singleton Plaintiffs' Reply: January 26, 2024

DONE and ORDERED this \_\_\_\_ day of \_\_\_\_\_ 2023.

STANLEY MARCUS UNITED STATES CIRCUIT JUDGE Case 2:21-cv-01291-AMM Document 219-1 Filed 11/29/23 Page 2 of 2

ANNA M. MANASCO UNITED STATES DISTRICT JUDGE

TERRY F. MOORER UNITED STATES DISTRICT JUDGE