

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

BOBBY SINGLETON, et al.,
Plaintiffs,

v.

WES ALLEN, et al.,
Defendants.

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

**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

Respectfully submitted,

Steve Marshall
Attorney General

/s/ Edmund G. LaCour Jr.

(with permission)

Edmund G. LaCour Jr.
(ASB-9182-U81L)
Solicitor General

/s/ Henry C. Quillen

(admitted pro hac vice)

WHATLEY KALLAS, LLP

159 Middle Street, Suite 2C

Portsmouth, NH 03801

Tel: (603) 294-1591

Fax: (800) 922-4851

Email: hquillen@whatleykallas.com

James W. Davis
(ASB-4063-I58J)
Deputy Attorney General

/s/ James Uriah Blacksher

(with permission)

James Uriah Blacksher

825 Linwood Road

Birmingham, AL 35222

Tel: (205) 612-3752

Fax: (866) 845-4395

Email: jublacksher@gmail.com

A. Barrett Bowdre
(ASB-2087-K29V)
Deputy Solicitor General

Misty S. Fairbanks Messick
(ASB-1813-T71F)
Brenton M. Smith

Joe R. Whatley, Jr.
W. Tucker Brown

(ASB-1656-X27Q)
Benjamin M. Seiss
(ASB-2110-O00W)
Assistant Attorneys General

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
P.O. Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Edmund.LaCour@AlabamaAG.gov
Jim.Davis@AlabamaAG.gov
Barrett.Bowdre@AlabamaAG.gov
Misty.Messick@AlabamaAG.gov
Brenton.Smith@AlabamaAG.gov
Ben.Seiss@AlabamaAG.gov

Counsel for Secretary Allen

s/ Dorman Walker

(with permission)
Dorman Walker (ASB-9154-R81J)
BALCH & BINGHAM LLP
Post Office Box 78 (36101)
105 Tallapoosa Street, Suite 200
Montgomery, AL 36104
Telephone: (334) 269-3138
Email: dwalker@balch.com

Counsel for Sen. Livingston and Rep. Pringle

WHATLEY KALLAS, LLP
2001 Park Place North
1000 Park Place Tower
Birmingham, AL 35203
Tel: (205) 488-1200
Fax: (800) 922-4851
Email: jwhatley@whatleykallas.com
tbrown@whatleykallas.com

Myron Cordell Penn
PENN & SEABORN, LLC
1971 Berry Chase Place
Montgomery, AL 36117
Tel: (334) 219-9771
Email: myronpenn28@hotmail.com

Diandra "Fu" Debrosse Zimmermann
Eli Hare
DICELLO LEVITT LLP
505 20th Street North, Suite 1500
Birmingham, AL 35203
Tel.: (205) 855.5700
Email: fu@dicellolevitt.com
ehare@dicellolevitt.com

U.W. Clemon
U.W. CLEMON, LLC
Renasant Bank Building
2001 Park Place North, Tenth Floor
Birmingham, AL 35203
Tel.: (205) 506-4524
Fax: (205) 538-5500
Email: uwclemon1@gmail.com

Edward Still
2501 Cobblestone Way
Birmingham, AL 35226
Tel: (205) 335-9652
Fax: (205) 320-2882
Email: edwardstill@gmail.com

Counsel for Singleton Plaintiffs

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

BOBBY SINGLETON, et al.,
Plaintiffs,

v.

WES ALLEN, et al.,
Defendants.

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

**[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

ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE

TERRY F. MOORER
UNITED STATES DISTRICT JUDGE