

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DYAMONE WHITE, et al.,

Plaintiffs

Civil Action No. 4:22-cv-00062-SA-JMV

vs.

STATE BOARD OF ELECTION
COMMISSIONERS, et al.,

Defendants.

JOINT MOTION FOR A STAY

COME NOW the Plaintiffs, Dyamone White, Derrick Simmons, Ty Pinkins, and Constance Olivia Slaughter Harvey-Burwell (hereinafter collectively “Plaintiffs”) and the Defendants, State Board of Election Commissioners, Tate Reeves, in his official capacity as Governor of Mississippi, Lynn Fitch, in her official capacity as Attorney General of Mississippi, and Michael Watson, in his official capacity as Secretary of State of Mississippi, (hereinafter collectively “Defendants”), by and through counsel, to file this joint motion for a stay of this Court’s order of February 1, 2024, *see* Dkt. 177 at 9 (“Court’s Order), pursuant to Local Rule 72(a)(2). In support thereof the parties would show the Court the following:

1. In the Court’s Order, the Court ordered Plaintiffs to pay Defendants \$79,529.54 for the fees and expenses of Dr. David Swanson and \$9,206.33 for the fees and

expenses of Dr. Christopher Bonneau, for a total of \$88,735.87, within sixty (60) days of February 1, 2024.

2. On February 15, 2024, pursuant to Federal Rule of Civil Procedure 72(a) and Local Rule 72(a)(1), Plaintiffs appealed the portion of the Court's Order which required Plaintiffs to compensate both Defendants' expert, Dr. Swanson, and his assistant, Mr. Thomas Bryan, at a rate of \$400 per hour, for their work in preparing Dr. Swanson's sur-rebuttal report. *See* Dkt. 178 ("Plaintiffs' Appeal").
3. Plaintiffs' Appeal seeks to reduce the total fee award to an amount of \$44,829.54 (consisting of \$35,623.21 in fees and expenses for Dr. Swanson and \$9,206.33 in fees and expenses for Dr. Bonneau, whose compensation as outlined in the Court's Order was not challenged in Plaintiffs' Appeal).
4. Plaintiffs' Appeal remains pending and is opposed by Defendants.
5. On March 1, 2024, Counsel for the Parties conferred and reached a resolution regarding payment pending appeal: Plaintiffs will pay Defendants the undisputed amount of \$44,829.54 via check to Wise Carter Child & Caraway, P.A., within 60 days of the parties' agreement, while Defendants agree to stay payment of the remaining disputed amount of \$43,906.33 pending resolution of Plaintiffs' Appeal.
6. The parties' request for a stay pending appeal consistent with the above agreement is sought pursuant to Local Rule 72(a)(2).
7. This motion is not brought for the purposes of delay, and the requested relief will not prejudice any Party.

8. Due to the straightforward nature of the relief sought by this motion, the Parties respectfully request that the requirement for submitting a memorandum brief pursuant to Local Rule 7(b)(4) be waived.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court grant the parties' motion and any other relief as may be just and proper.

THIS the 13 day of March, 2024.

Respectfully submitted,

/s/ Joshua Tom

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* Admitted *pro hac vice*
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CERTIFICATE OF SERVICE

I, Joshua Tom, hereby certify that on March 13, 2024, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all parties on file with the Court.

/s/ Joshua Tom

Joshua Tom