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26 **UNITED STATES DISTRICT COURT**
27 **CENTRAL DISTRICT OF CALIFORNIA**
28 **WESTERN DIVISION (LOS ANGELES)**

29 ANDREW MASON DVASH-
30 BANKS and E.J. D.-B.,

31 Plaintiffs,

32 v.

33 THE UNITED STATES
34 DEPARTMENT OF STATE,
35 and THE HONORABLE
36 MICHAEL R. POMPEO,
37 Secretary of State,

38 Defendants.

Case No. 2:18-cv-00523-JFW-JCx

**ORDER TO DEFER
CONSIDERATION OF
PLAINTIFFS' APPLICATION FOR
ATTORNEYS' FEES AND COSTS**

Judge: Hon. John F. Walter

1 WHEREAS, on March 20, 2019, Plaintiffs filed a motion pursuant to the
2 Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”), for an award of attorneys’
3 fees and costs (“Motion”) (ECF No. 126) in the above-captioned action (“Action”);

4 WHEREAS, by minute order dated March 21, 2019, the Court struck the
5 Motion and directed the Parties to meet-and-confer further in an attempt to resolve
6 the Motion by agreement prior to making any further filings in connection with the
7 Motion (ECF No. 127);

8 WHEREAS, on April 4, 2019, the Parties reached an agreement-in-principle,
9 subject to any required approval of the Court, on the amount to be paid by
10 Defendants for attorneys’ fees and costs pursuant to the EAJA if Defendants did not
11 file an appeal in the Action;

12 WHEREAS, the Court adjourned *sine die* the deadline for Plaintiffs to refile
13 a motion for attorneys’ fees and costs (ECF No. 132);

14 WHEREAS, on May 6, 2019, Defendants filed a notice of appeal (“Appeal”)
15 from the Court’s Judgment in the Action to the United States Court of Appeals for
16 the Ninth Circuit (ECF No. 133);

17 WHEREAS, the Parties submitted to the Court on May 9, 2019 a Joint Status
18 Report proposing, given the pendency of the Appeal, to defer further proceedings in
19 connection with the Motion until after entry of a final non-appealable judgment
20 (ECF No. 135).


21 The Court, having received and considered the Parties’ Joint Status
22 Report requesting that the Court defer further proceedings in connection with the
23 Motion until after entry in the Action of a final, non-appealable judgment; and good
24 cause existing for the Parties’ request, it is hereby ORDERED that:

- 25 1. Further proceedings in connection with the Motion shall be
26 deferred until after entry in the Action of a final, non-appealable
27 judgment or until such other date as shall be ordered by the
28 Court.

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2. The Parties shall file a joint status report with the Court within five (5) business days after the United States Court of Appeals for the Ninth Circuit issues a mandate on the Appeal, which report shall include the parties' respective positions regarding, and any proposed schedule for, further proceedings concerning the Motion.

Dated: May 13, 2019


HONORABLE JOHN F. WALTER
UNITED STATES DISTRICT JUDGE

Dated: May 10, 2019

Presented by:

/s/ Rebekah T. Raybuck

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ATTESTATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: May 10, 2019

By: /s/ Rebekah T. Raybuck

Rebekah T. Raybuck