

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MAHLON KIRWA, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
DEFENSE, et al.,

Defendants.

Civil Action No. 1:17-cv-01793-PLF

**PLAINTIFFS' UNOPPOSED MOTION TO EXTEND TIME  
TO FILE A MOTION FOR FEES, COSTS, AND OTHER EXPENSES**

Plaintiffs Mahlon Kirwa, *et al.* respectfully move this Court to extend until April 30, 2021 the time for Plaintiffs to file a motion for recovery of attorney's fees, costs, and other expenses.

This Court has the discretion to extend filing deadlines for good cause shown. Fed. R. Civ. P. 6(b). Rule 54, which governs applications for attorney's fees and costs, is not excepted from the Court's discretion to extend a deadline.

Under Rule 54(d) and the Equal Access to Justice Act Plaintiffs' application for fees is due within 30 days of a final, non-appealable judgment. Fed. R. Civ. P. 54(d); 28 U.S.C. § 2412. The Court's September 2, 2020 judgment in Plaintiffs' favor became final and non-appealable on November 3, 2020. On November 24, 2020, the Court granted Plaintiffs' unopposed motion to extend the deadline to file their motion for fees and costs from December 3, 2020 to January 4, 2021. *See* ECF 238. As Plaintiffs explained in the motion, the extension would—among other benefits—give the parties additional time to pursue a negotiated agreement regarding recovery of attorney's fees, costs, and expenses. *See* ECF 237. The Court granted further unopposed

extensions of the deadline, and Plaintiff's motion for fees and costs is now due on April 16, 2021. *See* Minute Order (Feb. 18, 2021); ECF 243;

The parties have reached an agreement in principle with respect to Plaintiffs' claim for fees, expenses, and other costs, and are in the process of preparing an appropriate agreement. The parties do not, however, anticipate that the agreement will be finalized prior to the April 16, 2021 filing deadline. Good cause for a further extension exists because the additional time will allow the parties to finalize their agreement, thereby likely obviating the need for this Court to adjudicate those issues. The requested extension also will facilitate settlement, and serves the interests of both judicial and party economy.

Defendants' counsel have authorized Plaintiffs to state Defendants' position as follows: "Defendants do not oppose the relief sought by this Motion because they have agreed to extend their conditional waiver of any timeliness objection through April 30, 2021 in order to allow additional negotiations to proceed, but Defendants preserve their position that the original statutory fee deadline cannot be extended under Rule (6)(b)."

For these reasons, Plaintiffs respectfully request that the Court grant the instant motion and extend the deadline for Plaintiffs to file an application for fees, costs, and other expenses to April 30, 2021.

Dated: April 16, 2021

Respectfully submitted,

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