

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 1:11-cv-22026-MGC

DR. BERND WOLLSCHLAEGER, et al.,

Plaintiffs,

v.

FRANK FARMER, et al.,

Defendants.

**JOINT MOTION FOR ENLARGMENT OF TIME
AND MOTION FOR STAY OF EXECUTION OF JUDGMENT FOR ATTORNEYS'
FEES AND COSTS**

The parties jointly ask for an extension of the deadlines set forth in Local Rule 7.3(b) for the conference over Plaintiff's draft attorneys' fees motion and, should negotiations fail, for the filing of their motion. In addition, both parties request a stay of execution of any judgment arising from an award of costs under 28 U.S.C. § 1920 and of attorneys' fees under 48 U.S.C. § 1988 pending resolution of the appeal.

Local Rule 7.3(b) requires the prevailing party to serve on the defendant draft motions for attorneys' fees and a bill of costs recoverable under 28 U.S.C. § 1920 within 30 days of the entry of final judgment. The rule then requires an attorney conference within 21 days of service of the draft fees motion in an effort to resolve the fees question. Before this conference, the defendant must provide in writing and with reasonable particularity any objections as to entitlement or amount, supported by legal authority. Local Rule 7.3(1)(a) compels the plaintiff to file a formal fees motion within 60 days of the final judgment.

The parties jointly request until September 21, 2012 to conduct the attorney conference required by Local Rule 7.3(b), and if the conference fails to settle the matter, the plaintiffs have requested until November 30, 2012 to file their fees motion. Plaintiffs filed their motion for costs under 28 U.S.C. § 1920 on August 1, 2012.

Given the pendency of the appeal, however, the defendants have requested a stay of execution of any judgment rendered by the Court under 28 U.S.C. § 1920 or Plaintiffs' forthcoming motion for attorneys' fees until the matter is fully resolved on appeal. The Plaintiffs, while believing the Court's judgment will be affirmed on the appeal, do not oppose this request.

The parties, therefore, ask the Court for an order establishing September 21, 2012, as the date for the attorney conference; setting November 30, 2010, for Plaintiffs to file their fees motion; and staying the execution of any judgment arising from the pending motion for costs and the forthcoming motion for attorneys' fees pending resolution of the appeal. Depending on the outcome of the appeal, Plaintiffs also request that it may thereafter submit a supplemental motion for attorneys' fees and costs seeking additional fees and costs incurred in litigating the pending appeal to the extent allowed by law.

Respectfully submitted,
PAMELA JO BONDI
ATTORNEY GENERAL

s/ Jason Vail

Jason Vail (FBN 298824)
Assistant Attorney General
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399
(850) 414-3300
jay.vail@myfloridalegal.com

/s/ Bruce S. Manheim

Bruce S. Manheim, Jr.*

Bruce.manheim@ropesgray.com
Douglas H. Hallward-Driemeier*
Douglas.hallward@ropesgray.com
Augustine M. Ripa*
Augustine.ripa@ropesgray.com
Ropes & Gray LLP
700 12th Street NW, Suite 900
Washington D.C. 20005
Tel.: (202) 508-4600 / Fax: (202)
383-8332

/s/ Edward M. Mullins
Edward M. Mullins (Fla. Bar No.
863920)
emullins@astidavis.com
Hal M. Lucas (Fla. Bar No. 853011)
hluucas@astidavis.com
Astigarraga Davis Mullins &
Grossman, P.A.
701 Brickell Avenue, 16th Floor
Miami, Florida 33131-2847
Tel.: (305) 372-8282 / Fax: (305)
372-8202

/s/ Jonathan E. Lowy
Jonathan E. Lowy*
jlowy@bradymail.org
Daniel R. Vice*
dvice@bradymail.org
Brady Center To Prevent Gun
Violence
Legal Action Project
1225 Eye Street NW, Suite 1100
Washington, DC 20005
Tel.: (202) 289-7319 / Fax: (202)
898-0059
*Admitted pro hac vice
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to counsel of record through use of the Court's CM/ECF system on August 6, 2012.

s/ Jason Vail
