UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

JOHN W. JACKSON and SECOND)	
AMENDMENT FOUNDATION, INC.,)	
)	
Plaintiffs,)	
)	
-against-)	
)	
GORDON E. EDEN, in his Official Capacity)	Case No. 1:12-CV-421-MCA-RHS
as Director of the Special Investigations)	
Division of the New Mexico Department of)	
Public Safety,)	
)	
Defendant.)	

UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR ATTORNEY FEES AND COSTS

Come now Plaintiffs, JOHN W. JACKSON and SECOND AMENDMENT FOUNDATION, INC., by and through counsel, and respectfully move this Honorable Court, pursuant to Local Rules 54.1 and 54.5 for an extension of time for Plaintiffs' counsel to file their Motion for attorney's fees and costs pursuant to 42 U.S.C. § 1988. In support thereof, Plaintiffs state as follows:

- 1. Judgment for Plaintiffs in this matter was entered on March 31, 2014.
- 2. Pursuant to Local Rules 54.1 and 54.5, Plaintiffs are to submit their Motion for attorney's fees and costs by April 30, 2014.
- 3. Plaintiffs' counsel are currently preparing the Motion for fees and costs, as well as all supporting documentation.
- 4. Additionally, Plaintiffs' counsel have been in communications with counsel for Defendant, in attempts to resolve this issue without the necessity of litigation before the Court.

5. Plaintiffs therefore request an additional 14 days from the due date, or by May 14,

2014, to file their Section 1988 fee petition and their request for costs. Of course, should the

parties resolve this matter prior to that date, the parties will notify the Court immediately.

Plaintiffs' counsel has conversed with Defendant's counsel, who advised the State 6.

has no objection to the granting of this Motion.

7. This Motion is not made for dilatory purposes, nor for purposes of delay, but only

so that the parties may have a full opportunity to amicably resolve the issue, while allowing

Plaintiffs' counsel to simultaneously present all relevant information to the Court should it be

necessary.

WHEREFORE, the Plaintiffs, JOHN W. JACKSON and SECOND AMENDMENT

FOUNDATION, INC., respectfully request this Honorable Court grant them an additional 14

days (on or before May 14, 2014) to file their Motion for Section 1988 Attorney's Fees, and for

Costs. Plaintiffs also request any and all further relief as this Court deems just and proper.

Dated: April 29, 2014

Respectfully submitted,

David G. Sigale, Esq. (#6238103 (IL))

LAW FIRM OF DAVID G. SIGALE, P.C.

739 Roosevelt Road, Suite 304

Glen Ellyn, IL 60137

630.452.4547

dsigale@sigalelaw.com

Admitted pro hac vice

Paul M. Kienzle, III., Esq. (#7592 (NM)) SCOTT & KIENZLE, P.A.

P.O. Box 587

Albuquerque, NM 87103

(505) 246-8600

paul@kienzlelaw.com

/s/ David G. Sigale

David G. Sigale

Attorneys for Plaintiffs

2

CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING

The undersigned certifies that:

- 1. On April 29, 2014, the foregoing document was electronically filed with the District Court Clerk via CM/ECF filing system;
- 2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale	
David G. Sigale	