

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)**

BALTIMORE COUNTY BRANCH OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE,  
*et al.*,

Plaintiffs,

v.

BALTIMORE COUNTY, MARYLAND,

Defendant.

Civil Action No. LKG-21-03232

**JOINT MOTION TO STAY PROCEEDINGS REGARDING FEE PETITION**

Plaintiffs Baltimore County Branch of the National Association for the Advancement of Colored People, *et al.* (“Plaintiffs”) and Defendant Baltimore County, Maryland (“Baltimore County”), by and through undersigned counsel, hereby respectfully move this Court to stay further briefing and consideration of Plaintiffs’ Motion for Attorneys’ Fees and Expenses (ECF 86) until after the United States Supreme Court decides *Lackey v. Stinnie*, No. 23-621, and in support states:

1. On June 6, 2022, Plaintiffs filed their Motion for Attorneys’ Fees and Expenses, ECF 86.

2. From July 6, 2022, until January 23, 2024, briefing regarding Plaintiffs’ Motion for Attorneys’ Fees and Expenses was stayed while the Fourth Circuit considered *en banc* review of *Stinnie v. Holcomb*, granted that review, and then considered and issued its *en banc* opinion in that case. See ECF Nos. 89, 91, 93, 110.

3. Pursuant to the Court’s Order Lifting Stay, ECF 104, Plaintiffs filed their Memorandum in Support of Plaintiffs’ Motion for Attorneys’ Fees and Expenses, ECF 105, on February 5, 2024, and the County filed its Response in Opposition to that motion, ECF 106, on

February 26, 2024. After receiving an extension of time, ECF 112, the County filed a supplemental declaration in support of its opposition, ECF 113, on April 12, 2024.

4. Plaintiffs' Reply in Support of its Motion for Attorneys' Fees and Expenses is currently due on Friday, April 26, 2024.

5. On Monday, April 22, 2024, the United States Supreme Court granted a petition for certiorari in *Lackey v. Stinnie* (as *Stinnie v. Holcomb* is now known, after a substitution of the defendant/petitioner), No. 23-621. The Court's decision in that case is likely to provide important guidance regarding the circumstances, if any, in which a preliminary injunction can form the basis for prevailing party status that entitles a plaintiff to attorneys' fees.

6. For the same reasons that a stay was appropriate while the Fourth Circuit considered *Stinnie en banc*, including the conservation of the Parties' and the Court's resources, the Parties believe that it is appropriate to stay further proceedings in this matter until after the Supreme Court decides *Stinnie*.

7. Because Plaintiffs' reply brief is due this Friday, the Parties request that the Court rule on this motion as soon as possible.

Respectfully submitted,

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**[PROPOSED] ORDER**

UPON CONSIDERATION of the Joint Motion to Stay Proceedings Regarding Fee Petition, and good cause having been shown, it is this \_\_\_\_ day of \_\_\_\_\_, 2024, hereby:

**ORDERED**, that:

1. The Joint Motion is **GRANTED**;
2. Further proceedings related to Plaintiffs' Motion for Attorneys' Fees and Expenses (ECF 86) are hereby STAYED until 30 days following the United States Supreme Court's issuance of its opinion in *Lackey v. Stinnie*, No. 23-621; and
3. On or before 30 days following the issuance of that opinion, the parties shall submit a joint status report stating their respective views on whether the Court should lift the stay, and, if so, proposing a schedule for further proceedings.

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HON. LYDIA KAY GRIGGSBY  
United States District Judge