

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON, TEXAS, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

Dickinson Bay Area Branch NAACP,
GALVESTON BRANCH NAACP,
MAINLAND BRANCH NAACP,
GALVESTON LULAC COUNCIL
151, EDNA COURVILLE, JOE A.
COMPIAN, and LEON PHILLIPS,

Civil Action No. 3:22-cv-117

and under Rule 6. In addition to attorneys' fees and expenses, other costs are also allowed to the prevailing party. Fed. R. Civ. Pro. 54(d)(1). Under the local rules, an application for these costs is to be submitted no later than 14 days after the entry of judgment. LCR 54.2. Under Rule 6(b), the Court may, for good cause, extend the time to file a motion for attorneys' fees and a bill of costs. See Fed. R. Civ. P. 6(b).

Good cause exists to extend the deadlines for fees and costs because Plaintiffs' involvement in this case is not yet concluded. According to the Court's most recent order, the remedial process in this matter is beginning. Defendants have been ordered to file a redistricting plan and supporting expert analysis by October 27, 2023, Plaintiffs may be required to file objections by November 3, 2023 and a remedial hearing is currently scheduled for November 8, 2023. Dkt. 255. Defendants have already filed a notice of appeal, Dkt. 253, thus Plaintiffs' involvement will continue further, and additional fees and costs will be incurred. Therefore, in the interest of preserving judicial resources and presenting the Court with a comprehensive motion for fees and a bill of costs only once, Plaintiffs respectfully file this unopposed motion.

This Motion is timely filed well before the deadline under the Rules. *See Reed Migraine Centers of Texas, PLLC v. Chapman*, No. 3:14-CV-1204-N, 2020 WL 869888, at *3 (N.D. Tex. Feb. 21, 2020). "An application for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith..." *Bakri v. Nautilus Ins.*

Co., No. 3:21-CV-2001-N, 2023 WL 1805142, at *1 (N.D. Tex. Feb. 7, 2023). This motion is filed 8 days before the deadline for an application for fees and costs. The request for an extension is filed in good faith and with good cause to preserve the time and resources of the Court and the parties. Moreover, granting this Motion will benefit, not prejudice the adverse party, ensuring that briefing and calculation regarding fees and costs will be completed only once in this matter.

Pursuant to this Court's discretion under Rule 6, Plaintiffs respectfully request that the Court grant their Motion to extend the deadline for submission of their applications for fees and costs for good cause, with the deadline to be reset to 30 days after the remedial process is complete or any appeal has been resolved, whichever of these occurrences is latest.

Respectfully submitted this 19th day of October, 2023

/s/ Bernadette Reyes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 19, 2023, the foregoing document was filed electronically (via CM/ECF), and that all counsel of record were served by CM/ECF.

/s/ Bernadette Reyes
Counsel for Petteway Plaintiffs

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SIGNED this _____ day of _____, 2023.

JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE