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18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF ARIZONA**

20 MARIA M. GONZALEZ, et al.,

21 Plaintiffs, and

22 THE INTER TRIBAL COUNCIL OF
23 ARIZONA, INC., et al.,

24 Plaintiffs,

25 v.

26 STATE OF ARIZONA, et al.,

27 Defendants.

No. CV06-01268
No. CV06-01362 (Cons)

**JOINT MOTION OF ITCA
PLAINTIFFS AND DEFENDANT
BENNETT FOR ENTRY OF
ORDER RESOLVING ITCA
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND
EXPENSES**

(Assigned to the Honorable
Roslyn O. Silver)

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2 On September 11, 2013, this Court entered Final Judgment for Plaintiffs Inter
3 Tribal Council of Arizona *et al.* (“ITCA Plaintiffs”) on their claim under the National
4 Voter Registration Act (“NVRA”), 42 U.S.C. § 1973gg *et seq.* (Dckt. 1123). Thereafter,
5 ITCA Plaintiffs filed a timely Motion for Attorneys’ Fees and Non-Taxable Expenses
6 (Dckt. 1125) requesting attorneys’ fees and expenses pursuant to 42 U.S.C. § 1973gg-
7 9(c) for work undertaken in this litigation in this Court and in the United States Supreme
8 Court, and filed a Memorandum in Support of Motion (Dckt. 1128). ITCA Plaintiffs
9 requested total fees and expenses in the amount of \$1,563,781.81.
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12 At the request of Defendant Bennett, and with ITCA Plaintiffs’ concurrence, the
13 Court granted several extensions to Defendant of the deadline for filing a response in
14 order to allow Defendant the opportunity to fully review ITCA Plaintiffs’ Motion and to
15 consider settlement.
16

17 Under the NVRA, prevailing parties are permitted to recover “reasonable
18 attorneys’ fees, including litigation expenses, and costs.” 42 U.S.C. § 1973gg-9(c); *see*
19 *also Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). Under 28 U.S.C. § 1961, the Court
20 must also award post-judgment interest from the date the Court enters judgment on the
21 fees application until the date that judgment is paid to Plaintiffs.
22

23 ITCA Plaintiffs and Secretary Bennett now agree that, in order to amicably resolve
24 Plaintiffs’ Motion for Attorneys’ Fees and Non-Taxable Expenses in its entirety and avoid
25 further litigation of this matter, an award of attorneys’ fees, and litigation expenses and
26 costs, should be made to ITCA Plaintiffs (for litigation in this Court and the Supreme
27
28

1 Court) in the amount of \$1,300,000. The parties, therefore, jointly request that this Court
2 enter an Order granting Plaintiffs' Motion in that amount plus post-judgment interest at
3 the rate of 0.14% per annum, commencing on the date of entry of the Order. See LRCiv
4 54.2(d)(1) (requiring parties to seek to resolve attorneys' fee matters by settlement). A
5 proposed Order is attached.
6

7 Respectfully submitted this 28th day of March, 2014.

8 /s/ Robert A. Kengle
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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 2014, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF Registrants in the above case.

/s/ Robert A. Kengle