

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:10-cv-265-H

MICHAEL BATEMAN, VIRGIL GREEN,)
FORREST MINGES, JR., GRNC/FFE, INC.,)
and SECOND AMENDMENT)
FOUNDATION, INC.,)

Plaintiffs,)

v.)

BEVERLY PERDUE & REUBEN F.)
YOUNG,)

Defendants.)

**MOTION FOR ATTORNEYS' FEES
AND COSTS**

Plaintiffs Michael Bateman, Virgil Green, Forrest Minges, Jr., GRNC/FFE, Inc., and Second Amendment Foundation, Inc. (collectively, "Plaintiffs"), through undersigned counsel and pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54(d), and Local Rule 54.1, respectfully move the Court for entry of an order awarding Plaintiffs reasonable attorneys' fees and the costs incurred in prosecuting this action. As grounds for this Motion, Plaintiffs show unto the Court the following:

1. On March 29, 2011, this Court entered an Order granting Plaintiffs' Motion for Summary Judgment in this matter and declaring Defendants' enforcement of the emergency declaration statutes to be unconstitutional, and it entered Judgment in Plaintiffs' favor on that same date. Accordingly, Plaintiffs are the prevailing party in this action.

2. In an action to redress the deprivation of a constitutional right under 42 U.S.C. § 1983, “the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs” 42 U.S.C. § 1988.

3. Plaintiffs respectfully request that the Court award them recovery of attorneys’ fees and expenses in the amount of \$48,883.50 and \$1,137.87, respectively, which represents the work of counsel and expenses through May 2012. Plaintiffs further request that the Court award them attorneys’ fees and expenses for the period of May 2012 through the end of the case, and Plaintiffs will supplement this Motion with those amounts when they become available.

4. In support of this Motion, Plaintiffs refer the Court to their Memorandum in Support of Motion for Attorneys’ Fees and Costs and the Declarations of Alan Gura and Kearns Davis, filed contemporaneously herewith.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order awarding Plaintiffs a reasonable attorneys’ fee and costs, in the amounts of \$48,883.50 and \$1,137.87, respectively, and that the Court grant such other and further relief as the Court deems just and proper.

Respectfully submitted, this the 11th of June, 2012.

/s/ Wes J. Camden

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Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION FOR ATTORNEYS' FEES AND COSTS was served on the parties and counsel of record in this case by the CM/ECF system for the Eastern District of North Carolina, including:

Alexander McClure Peters
N.C. Department of Justice
P. O. Box 629
Raleigh, NC 27602-0629

This the 11th day of June, 2012

/s/ Wes J. Camden

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