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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

CRUISE LINES INTERNATIONAL
ASSOCIATION ALASKA, *et al.*,

Plaintiffs,

v.

CITY AND BOROUGH OF
JUNEAU, ALASKA, *et al.*,

Defendants.

Case No. 1:16-cv-00008-HRH

**JOINT MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR ATTORNEY'S FEES AND TO FILE NOTICE OF APPEAL**

Plaintiffs Cruise Lines International Association Alaska, and Cruise Lines International Association (“Plaintiffs”) and Defendants City and Borough of Juneau, Alaska, and Rorie Watt (“Defendants”) jointly move the Court to extend the time in which Plaintiffs may file a motion

for attorney's fees and in which Defendants may file a notice of appeal to March 26, 2019, to accommodate the parties' ongoing settlement efforts. In support of their joint motion, the parties state:

1. On January 25, 2019, the Court entered its final judgment. (Dkt. No. 217).
2. Under Federal Rule of Civil Procedure 54(b)(2), the parties currently have until February 8, 2019 (14 days after the entry of judgment), to file any motion for attorney's fees.
3. Under Federal Rules of Civil Procedure Rule 54(b)(2) and 6(b)(1), the Court may extend the time for the parties to file a motion for attorney's fees.
4. Under Federal Rule of Appellate Procedure 4(a)(1)(A), the parties currently have until February 25, 2019 (30 days after the entry of judgment) to file any notice of appeal.
5. Under Federal Rule of Appellate Procedure 4(a)(5), the Court may, for good cause, extend the time for the parties to file a notice of appeal by up to an additional 30 days.

Rule 4(a)(5) provides:

- (A) The district court may extend the time to file a notice of appeal if:
 - (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and
 - (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.
- (B) A motion filed before the expiration of the time prescribed in Rule 4(a)(1) or (3) may be *ex parte* unless the court requires otherwise. If the motion is filed after the expiration of the prescribed time, notice must be given to the other parties in accordance with local rules.

(C) No extension under this Rule 4(a)(5) may exceed 30 days after the prescribed time or 14 days after the date when the order granting the motion is entered, whichever is later.

6. Since the Court's entry of final judgment, the parties have been negotiating a possible settlement of their dispute. Such a settlement may obviate the need for a motion for attorneys' fees or a notice of appeal. To focus on their settlement efforts, the parties seek to suspend all efforts necessary to prepare and file a motion for attorney's fees or a notice of appeal.

7. The parties respectfully submit that their current settlement efforts furnish good cause for the Court to extend the time to file any motion for attorney's fees and any notice of appeal.

8. The parties respectfully request that the Court extend the time for Plaintiffs to file any motion for attorney's fees and for Defendants to file any notice of appeal to March 26, 2019, which is the longest extension that the Court may grant for the filing of a notice of appeal under Federal Rule of Appellate Procedure 4(a)(5)(C).

9. A proposed order granting this motion is attached to this motion.

DATED: February 1, 2019

By: /s/ C. Jonathan Benner
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Kathleen E. Kraft (*pro hac vice*)
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By: /s/ Robert P. Blasco
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*Attorney for Defendants the City and Borough
of Juneau, Alaska, a municipal corporation, and
Rorie Watt, in his official capacity as City
Manager
(As authorized on January 31, 2019)*

CERTIFICATE OF SERVICE

I certify that on February 1, 2019, I caused a true and correct copy of the foregoing Joint Motion For Extension of Time to File Motion for Attorney's Fees and Notice of Appeal to be served via the Court's electronic filing system, on counsel for Defendants and upon the Honorable H. Russel Holland, Judge District Court of Alaska.

/s/ C. Jonathan Benner