

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RADIYA BUCHANAN, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 1:20-cv-01542-DLF

**PLAINTIFFS' UNOPPOSED MOTION FOR ENTRY OF RULE 54(B) FINAL
JUDGMENT, OR, IN THE ALTERNATIVE, TO CERTIFY ORDER AND JUDGMENT
FOR INTERLOCUTORY APPEAL PURSUANT TO 28 U.S.C. § 1292(B) AND
TO STAY CASE PENDING APPEAL**

Plaintiffs, by and through their undersigned counsel, hereby move this Court to enter a Rule 54(b) final judgment on the Court's Order, Dkt. 68-69, dismissing the Individual-Capacity Federal Defendants (William Barr, Gregory Monahan, Mark Adamchik, Russell Fennelly, and Cara Seiberling) as well as Plaintiffs' *Bivens* claims and certify that the dismissal of these parties and claims constitutes "a final judgment as to one or more, but fewer than all, claims or parties . . . [and] that there is no just reason for delay[ing]" an appeal. Fed. R. Civ. P. 54(b).

In the alternative, Plaintiffs hereby move to certify the dismissal of the Individual-Capacity Federal Defendants and Plaintiffs' *Bivens* claims for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) and request that the Court append to the dismissal Order a certification stating that the Order "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b).

Additionally, Plaintiffs move to stay proceedings in this case pending appeal in the D.C. Circuit. All parties agree that, if an interlocutory appeal is permitted, a stay is appropriate. Such a stay will further efficiency and the interests of justice.

The grounds for this motion are set forth in Plaintiffs' accompanying memorandum of points and authorities, which is being filed simultaneously herewith, along with a proposed order.

In accordance with Local Civil Rule 7(m), Plaintiffs conferred with counsel for Defendants. On the condition that a stay of all proceedings in this Court is entered pending the resolution of the proposed appeal, the Individual-Capacity Federal Defendants consent to Plaintiffs' motion under Rule 54(b) to enter a partial final judgment on the dismissal of the *Bivens* claims, but take no position on Plaintiffs' motion under 28 U.S.C. § 1292(b). The Metropolitan Police Department and Arlington County Police Department Defendants do not oppose Plaintiffs' motion, so long as the Court stays all litigation pending appeal.

Dated: April 20, 2022

Respectfully submitted,

/s/ Greta B. Williams

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