

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI**

MISSOURI STATE CONFERENCE OF)	
THE NATIONAL ASSOCIATION FOR)	
THE ADVANCEMENT OF COLORED)	
PEOPLE, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:14-cv-02077-RWS
)	
FERGUSON-FLORISSANT SCHOOL)	
DISTRICT and ST. LOUIS COUNTY)	
BOARD OF ELECTIONS)	
COMMISSIONERS,)	
Defendants.)	

Motion for Leave to File Notice of Supplemental Authority

Plaintiffs request leave to file a Notice of Supplemental Authority related to two motions pending before this Court. In support, they state:

1. Pending are Plaintiffs' motion for attorneys' fees and nontaxable costs, filed in this Court on December 20, 2016, ECF No. 235, and Appellees' motion for attorneys' fees, filed in the Court of Appeals and remanded to this Court for determination, ECF No. 266.
2. Defendants each urge that they should not be liable for an award of attorneys' fees because of special circumstances.
3. A panel of the Fourth Circuit recently addressed the issue of attorneys' fees for the prevailing party in a similar context, where a local election authority was sued for its enforcement of a state voting-related law and had taken steps to streamline the litigation. *See Brandon v. Guilford Cty. Bd. of Elecs.*, No. 18-1123, --- F.3d. ----, 2019 WL 1590903 (4th Cir. Apr. 15, 2019).

4. The Fourth Circuit's decision might aid this Court in resolution of the pending motions.

5. Plaintiffs' proposed Notice of Supplemental Authority is attached.

WHEREFORE Plaintiffs request this Court grant them leave to file the attached Notice of Supplemental Authority.

Respectfully submitted,

/s/ Anthony E. Rothert
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