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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6 MICHAEL DRAGOVICH; MICHAEL
7 GAITLEY; ELIZABETH LITTERAL;
8 PATRICIA FITZSIMMONS; CAROLYN
9 LIGHT; CHERYL LIGHT; DAVID BEERS;
10 CHARLES COLE; RAFAEL V.
11 DOMINGUEZ; and JOSE G.
12 HERMOSILLO, on behalf of
13 themselves and all others
14 similarly situated,

15 Plaintiffs,

16 v.

17 UNITED STATES DEPARTMENT OF THE
18 TREASURY; JACOB LEW, in his
19 official capacity as Secretary of
20 the U.S. Treasury Department;
21 INTERNAL REVENUE SERVICE; JOHN
22 KOSKINEN, in his official
23 capacity as Commissioner of the
24 Internal Revenue Service; BOARD
25 OF ADMINISTRATION OF CALIFORNIA
26 PUBLIC EMPLOYEES' RETIREMENT
27 SYSTEM; and ANNE STAUSBOLL, in
28 her official capacity as Chief
Executive Officer, CalPERS; and
BIPARTISAN LEGAL ADVISORY GROUP,

Defendants.¹

Defendant Bipartisan Legal Advisory Group (BLAG) moves to withdraw as a party. Plaintiffs oppose the motion on the grounds that the Court has yet to decide whether they may recover attorneys' fees and costs from BLAG. They note that they plan to file a motion for attorneys' fees and costs under 42 U.S.C. § 1988

¹ The Court has substituted Defendants Jacob Lew and John Koskinen as Defendants pursuant to Federal Rule of Civil Procedure 25(d).

1 and the Equal Access to Justice Act (EAJA), 28 U.S.C. §§ 2412 et
2 seq., after the stay of attorneys' fee litigation is lifted.
3 Although BLAG contends that Plaintiffs may not recover attorneys'
4 fees under either of these statutes, this issue is not appropriate
5 for resolution on a motion to withdraw. BLAG's motion to withdraw
6 as a party (Docket No. 149) is therefore DENIED. However, with
7 the exception of responding to Plaintiffs' motion for attorneys'
8 fees and costs, BLAG is excused from participating in all matters
9 in this litigation. The Court will lift the stay of attorneys'
10 fee litigation and solicit briefing on the matter after it has
11 resolved the remaining claims of domestic partner Plaintiffs. As
12 previously stated, a hearing on the domestic partnership issues
13 will be held at 2:00 p.m. on April 3, 2014.

14 IT IS SO ORDERED.

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16 Dated: 1/17/2014

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19 CLAUDIA WILKEN
20 United States District Judge
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