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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

2009 JUL -1 A 4 01 Richmond Division

BETTY J. OSTERGREN, )  
 CLERK US DISTRICT COURT )  
 RICHMOND, VIRGINIA )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ROBERT F. McDONNELL, in his official )  
 capacity as Attorney General of Virginia, )  
 )  
 Defendant. )

Civil No. 3:08cv362

AGREED ORDER REGARDING ATTORNEY'S FEES AND COSTS

By agreement of the parties, and for good cause shown, the Court finds and orders as follows:

WHEREAS, this Court has granted permanent injunctive relief in favor of the plaintiff;

The parties have agreed that \$17,318.86 constitutes plaintiff's reasonable attorney's fees and costs for work performed to date, and plaintiffs have agreed not to seek any further reimbursement from defendant for work performed to date; and

The defendant has filed a Notice of Appeal in this case;

It is hereby ORDERED that, pursuant to 42 U.S.C. § 1988, defendant shall pay plaintiffs \$17,318.86 for plaintiff's attorney's fees and costs to date. This Order shall be stayed pending appeal.

It is further ORDERED that, at such time as all appeals have been exhausted, or time for further appeal has expired:

- (a) If the defendant is the prevailing party, this Order shall be vacated, and defendant will have no obligation to pay plaintiffs' attorney's fees and costs as set forth herein;

(b) If plaintiff is the prevailing party, defendant shall pay plaintiff's attorney's fees and costs in the amount of \$17,318.86, plus interest at the rate of 0.48% (accruing from the date of this Order), within sixty (60) days of final resolution of the case, and plaintiff may petition the Court for additional fees and costs incurred on appeal; and

(c) If there is a dispute as to which party is the prevailing party, the parties may submit motions and argument to this Court, which shall determine prevailing party status.

It is so ORDERED.

July 13, 2009  
Date

ENTERED:

RS/RLW  
Senior United States District Judge  
Richard L. Williams

WE ASK FOR THIS:

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