

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KUSUMA NIO, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendants.

Civil Action No. 1:17-cv-998-PLF

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND EXPENSES
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

Plaintiffs respectfully move this Court pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, for an award of attorney fees, costs, and other recoverable expenses. In support of this Motion for Fees, Costs, and Expenses Pursuant to the Equal Access to Justice Act (the "Motion"), Plaintiffs affirm and will substantiate the following:

1. Plaintiffs are the prevailing parties;
2. Defendants' conduct was in bad faith;
3. Defendants' pre-litigation and litigation positions were not substantially justified;
4. there are no special circumstances that would make an award unjust;
5. each Plaintiff is an individual whose net worth did not exceed \$2 million at the time the civil action was filed; and
6. Plaintiffs will provide a statement of the total amount of fees, costs, and expenses sought along with an itemized account of time expended and rates charged.

For these reasons, Plaintiffs are entitled to an award of attorney fees in the amount of \$9,757,453 and costs and other expenses in the amount of \$34,147, for a total award of \$9,791,600.

In the alternative, Plaintiffs seek an award of attorneys' fees calculated at the EAJA statutory rate after adjustment for inflation.

In support of this Motion, Plaintiffs submit the following:

1. Plaintiffs' Memorandum of Law in Support of Their Motion for Attorney Fees, Costs and Expenses;
2. the Declaration of Jennifer M. Wollenberg, including an itemized statement of fees, costs and expenses;
3. the Declaration of Douglas W. Baruch;
4. the Declaration of Margaret Stock;
5. a Declaration of each named Plaintiff:
 - a. Kusuma Nio;
 - b. Ye Liu;
 - c. Emeka Udeigwe;
 - d. Jae Seong Park;
 - e. Plaintiff Wanjing Lee;
 - f. Haendel Crist Calisto Alves de Almeida;
 - g. Shu Cheng;
 - h. Seung Joo Hong;
 - i. Lucas Calixto; and
 - j. Prashanth Batchu; and
6. a Proposed Order.

Plaintiffs reserve the right to supplement this Motion and to supplement their fee request if they incur more fees in this litigation, including fees related to this Motion.

Plaintiffs have contacted Defendants with regard to their position on Plaintiffs' entitlement to fees in these cases. Defendants have indicated that they will oppose this Motion.

WHEREFORE, Plaintiffs respectfully ask the Court to grant this Motion; enter an order awarding attorneys' fees, costs and expenses to Plaintiffs in the amount of \$9,791,600, and grant such other relief as the Court deems just and proper.

Dated: April 9, 2021

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Jennifer M. Wollenberg

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