

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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KUSUMA NIO, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 17-0998 (PLF)
	)	
UNITED STATES DEPARTMENT OF	)	
HOMELAND SECURITY, <u>et al.</u> ,	)	
	)	
Defendants.	)	
_____	)	

ORDER

Before the Court is plaintiffs’ Motion for Attorneys’ Fees, Costs, and Expenses Pursuant to the Equal Access to Justice Act [Dkt. No. 319], which has been fully briefed since July 1, 2021. For scheduling reasons, the Court likely will be unable to address the motion in the coming months. The Court therefore now seeks the parties’ preferences for advancing this attorneys’ fees litigation.

To help narrow the issues in dispute and to facilitate the possible settlement of this litigation, the Court hereby directs the parties to meet and confer and to file a joint status report detailing their preferences, considering the following two options for mediation:

First, the Court could re-refer this matter to Magistrate Judge G. Michael Harvey, who previously performed mediation on the merits issues and consequently is familiar with the substance of this case, for mediation. The Court has been advised, however, that all three magistrate judges of this District are currently unavailable to provide mediation on an expedited basis, so the parties may instead wish to have this matter referred to Bankruptcy Judge S. Martin

Teel, Jr., who also is available to perform mediation and is currently performing mediation in the related case Calixto v. U.S. Dep't of the Army, Civil Action No. 18-1551 (D.D.C.).

Alternatively, the Court could refer this matter to the District Court Mediation Program, administered by the Office of the Circuit Executive, for the appointment of a mediator. See LCvR 84.4-.5. The Mediation Program maintains a roster of approximately 100 mediators – composed of “very experienced, senior members of the United States District Court Bar” who have a “wide range of subject matter expertise” and “are either professional mediators or have been trained in mediation by the Court”– from which a mediator would be appointed. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, THE DISTRICT COURT MEDIATION PROGRAM, <https://www.dcd.uscourts.gov/sites/dcd/files/Information%20Sheet%20District%20Court%20Mediation%20Program.pdf>.

Accordingly, it is hereby

ORDERED that the parties shall meet and confer to discuss their preferences for advancing this litigation, including the two options for mediation described above; and it is

FURTHER ORDERED that, on or before March 24, 2022, the parties shall file a joint status report detailing how they wish to proceed in this matter.

SO ORDERED.

/s/  
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PAUL L. FRIEDMAN  
United States District Judge

DATE: March 14, 2022