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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL DRAGOVICH; MICHAEL
GAITLEY; ELIZABETH LITTERAL;
PATRICIA FITZSIMMONS; CAROLYN
LIGHT; CHERYL LIGHT; DAVID BEERS;
CHARLES COLE; RAFAEL V.
DOMINGUEZ; and JOSE G.
HERMOSILLO, on behalf of
themselves and all others
similarly situated,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
TREASURY; JACOB LEW, in his
official capacity as Secretary of
the U.S. Treasury Department;
INTERNAL REVENUE SERVICE; JOHN
KOSKINEN, in his official
capacity as Commissioner of the
Internal Revenue Service; BOARD
OF ADMINISTRATION OF CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT
SYSTEM; and ANNE STAUSBOLL, in
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).

No. C 10-1564 CW
ORDER DENYING
MOTION TO WITHDRAW
(Docket No. 149)

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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CLAUDIA WILKEN
United States District Judge