



prerequisite to Plaintiffs' establishment of prevailing party status under 28 U.S.C. § 2412(d)(2)(G); *see also Melkonyan v. Sullivan*, 501 U.S. 89, 96 (1991) (holding that a "final judgment" "means a judgment rendered by a court that terminates the civil action for which EAJA fees may be received. The 30-day EAJA clock begins to run after the time to appeal that 'final judgment' has expired."). The parties agree that until that time, the Court shall retain jurisdiction over this narrow aspect of the case. The parties agree that Plaintiffs reserve their right to seek attorneys' fees and costs, and that Defendants reserve the right to object to Plaintiffs' request for attorneys' fees and costs.

4. The parties agree that, if Plaintiffs must ultimately file any fee petition with the Court (i.e., if the parties are not able to informally resolve Plaintiffs' claim for recovery of attorneys' fees and costs), Defendants will not contest the timeliness of any such fee petition so long as it is filed within 90 days of the filing date of this stipulation (i.e., July 12, 2023). This is because the parties view the filing of this stipulation of dismissal as a final judgment for purposes of the Equal Access to Justice Act that governs recovery of fees and costs in this matter.

On the basis of the above facts and representations, the parties stipulate to the voluntary dismissal of this action (except for Plaintiffs' claim for recovery of fees and costs) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

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