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14	IN THE UNITED STATES DISTRICT COURT
15	FOR THE EASTERN DISTRICT OF CALIFORNIA
16	FRESNO DIVISION
17	FRIENDS OF YOSEMITE VALLEY, et al.,) Case No. CV-F-00-6191 AWI DLB
18	Plaintiffs, )  JOINT STIPULATION AND MOTION
19	v. ) TO CONTINUE BRIEFING AND HEARING ON PLAINTIFFS'
20	DIRK KEMPTHORNE, in his official ) MOTION FOR ATTORNEYS' FEES and COSTS and COSTS and COSTS are capacity as Secretary of the Interior, et al., Defendants.
21	Detendants.
22	Plaintiffs, Friends of Yosemite Valley, et al., and Defendants, Dirk Kempthorne,
23	Secretary of the Interior, et al., through their undersigned attorneys, jointly stipulate and move to
24	continue the briefing schedule and the hearing date with regard to the plaintiffs' pending motion
25	for attorneys' fees and costs of litigation. The basis for the joint stipulation and motion is as
26	follows.
27	IOINT CTIBLE ATION AND MOTION TO CONTINUE
28	JOINT STIPULATION AND MOTION TO CONTINUE  BRIEFING AND HEARING ON PLAINTIFFS'  MOTION FOR ATTORNEYS' FEES AND COSTS  CASE NO. CV-F-00-6191-AWI/DLB  PAGE 1

- 1. As the Court is aware, since July 22, 2008, the parties have been engaged in a court-authorized, confidential mediation and settlement process under the guidance of Magistrate Judge Sandra M. Snyder in an effort to reach an agreement that resolves this litigation. The parties met with Judge Snyder on September 8-10 and again on November 13, 2008. The parties are scheduled to hold the next mediation with Judge Snyder by telephone on January 23, 2009.
- 2. On July 25, 2008, the plaintiffs filed a motion for attorneys' fees, costs, and other expenses under the Equal Access to Justice Act (EAJA) in this Court (Doc. 431). The plaintiffs noted their motion for hearing on November 10, 2008.
- 3. The plaintiffs simultaneously filed a similar motion in the U.S. Court of Appeals for the Ninth Circuit for fees, costs, and expenses incurred in connection with the appeals in this action. On August 19, 2008, the Ninth Circuit stayed consideration of that motion for 90 days in light of the ongoing mediation in district court. Since then, the parties have stipulated to an additional extension of time to enable settlement discussions to continue.
- 4. The plaintiffs' claim for EAJA fees, costs, and expenses remains one of the matters under discussion in the mediation. To enable the parties to continue the settlement discussions through the mediation process with Judge Snyder and provide sufficient time for the resolution of the pending motion and other matters without looming litigation deadlines, the parties again request that the Court continue the hearing date on the plaintiffs' motion.
- 5. If the parties are able to settle this matter, including the claim for attorneys' fees, costs, and expenses, then there would be no need for further briefing or hearing on the motion, which would save considerable time and effort and conserve judicial resources. Absent a continuance, however, the hearing remains set for January 26, 2009, with the defendants' response due on January 12, 2009, and the plaintiffs' reply due on January 20, 2009. The parties believe that an additional extension of 60 days' time is appropriate under the circumstances.
- 6. If the parties are unable to resolve the matter and further litigation is required with regard to the plaintiffs' motion, the briefing could be completed in March 2009, with a hearing scheduled for March 30, 2009, or at such time thereafter as the Court's schedule permits.

1	For these reasons, the parties request that the Court continue the hearing on the plaintiffs'
2	motion until March 30, 2009, at 1:30 p.m., with any further briefing deadlines established
3	pursuant to the Local Rules. A proposed order is set forth below for the Court's consideration.
4	Respectfully submitted this 9 <sup>th</sup> day of January, 2009.
5	/s/ Julia A. Olson
6	JULIA A. OLSON (CSB # 192642) (541) 344-7066
7	/s/ Sharon E. Duggan
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10	Attorneys for Plaintiffs
11	/s/ Charles R. Shockey
12	CHARLES R. SHOCKEY (DC # 914879)
13	United States Department of Justice Attorney for Defendants (916) 930-2203
14	<u>ORDER</u>
15	
16	The Court, having considered the parties' joint stipulation and motion to continue the
17	hearing date on Plaintiffs' Motion for Attorneys' Fees, Costs, and Other Expenses under the
18	Equal Access to Justice Act (Doc. 431), finds that good cause exists to approve the stipulation
19	and grant the motion. Accordingly, IT IS HEREBY ORDERED THAT the hearing on the
20	plaintiffs' motion is continued until Monday, March 30, 2009, at 1:30 p.m., with any further
21	briefing on the Plaintiffs' motion to be conducted in accordance with the Local Rules.
22	IT IS SO ORDERED.
23	Dated: January 16, 2009 /s/ Anthony W. Ishii
24	Dated: January 16, 2009 /s/ Anthony W. Ishii CHIEF UNITED STATES DISTRICT JUDGE
25	
26	
27	
28	JOINT STIPULATION AND MOTION TO CONTINUE CASE NO. CV-F-00-6191-AWI/DLE BRIEFING AND HEARING ON PLAINTIFFS'

MOTION FOR ATTORNEYS' FEES AND COSTS