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16 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

19 NATURAL RESOURCES DEFENSE
 20 COUNCIL, *et al.*,

21 Plaintiffs,

22 vs.

23 DIRK KEMPTHORNE, Secretary,
 24 U.S. Department of the Interior, *et al.*,

25 Defendants.

26 SAN LUIS & DELTA MENDOTA WATER
 27 AUTHORITY; *et al.*,

28 Defendant-Intervenors.

ANDERSON-COTTONWOOD IRRIGATION
 DISTRICT; *et al.*,

Joined Parties.

Case No. 1:05-cv-01207 OWW-GSA

PLAINTIFFS' AND FEDERAL
 DEFENDANTS' STIPULATION AND
 ORDER EXTENDING DEADLINE FOR
 MOTION FOR ATTORNEYS' FEES

23 WHEREAS judgment was entered in this case on September 23, 2009 (Dkt. 873); and
 24 WHEREAS judgment was entered for Plaintiffs on their first claim for relief; and
 25 WHEREAS Plaintiffs intend to seek reasonable attorneys' fees and costs as the prevailing
 26 parties in this case; and

27 WHEREAS Civil Local Rule 54-292 provides that a bill of costs must be filed by the
 28 prevailing party within ten days after entry of judgment; and

1 WHEREAS Civil Local Rule 54-293 provides that motions for attorneys' fees must be
2 filed not later than 30 days after entry of final judgment; and

3 WHEREAS Federal Rule of Civil Procedure 54(d)(2)(B) provides that, unless otherwise
4 provided by statute or order of the Court, a motion for attorneys' fees must be filed and served no
5 later than 14 days after entry of judgment; and

6 WHEREAS the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, is one of the
7 statutes under which Plaintiffs may seek attorneys fees and costs; and

8 WHEREAS EAJA provides that "a party seeking an award of fees and other expenses"
9 may apply for them "within 30 days of final judgment in the action," and EAJA defines "final
10 judgment" as "a judgment that is final and not appealable;" and

11 WHEREAS the judgment in this case becomes unappealable 60 days after its entry; and

12 WHEREAS Plaintiffs have not previously sought an extension of time in this matter;

13 THEREFORE, Plaintiffs and Federal Defendants stipulate and agree, and request that the
14 Court enter an order, extending the deadline for Plaintiffs to file a motion for attorneys' fees,
15 costs, and other expenses under Civil Local Rules 54-292 and 54-293 and Federal Rule of Civil
16 Procedure 54(d)(2)(B) to be the same deadline as that for filing a motion under EAJA, which
17 would fall on December 22, 2009 under the existing schedule, assuming no appeal. By entering
18 into this stipulation, Federal Defendants do not waive any defenses as to whether Plaintiffs are
19 entitled to any attorneys' fees, costs, or other expenses.

20 DATED: October 7, 2009

21 /s/ Trent W. Orr (authorized 10/7/09)
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Attorneys for Plaintiffs

1 DATED: October 7, 2009

/s/ Michael E. Wall
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5 Attorneys for Plaintiff Natural Resources Defense
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8 JOHN C. CRUDEN, Acting Assistant Attorney General
9 United States Department of Justice
10 Environment & Natural Resources Division
11 K. JACK HAUGRUD, Chief
12 WILLIAM J. SHAPIRO, Trial Attorney
13 Natural Resources Section
14 JEAN E. WILLIAMS, Section Chief

13 DATED: October 7, 2009

/s/ James A. Maysonett (authorized 10/7/09)
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18 Attorneys for Federal Defendants

20 Pursuant to the stipulation of Plaintiffs and Federal Defendants, IT IS SO ORDERED.

22 DATED: October 7, 2009

/s/ OLIVER W. WANGER
OLIVER W. WANGER
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2009, I electronically filed the documents listed below with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

- **PLAINTIFFS' AND DEFENDANTS' STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE FOR MOTION FOR ATTORNEYS' FEES**

/s Michael E. Wall
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