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25 IN THE UNITED STATES DISTRICT COURT
 26 FOR THE EASTERN DISTRICT OF CALIFORNIA

27 PACIFIC COAST FEDERATION OF)
 28 FISHERMEN’S ASSOCIATIONS/INSTITUTE)
 29 FOR FISHERIES RESOURCES, *et al.*,)

30 Plaintiffs,)

31 v.)

32 CARLOS M. GUTIERREZ, in his official)
 33 capacity as Secretary of Commerce *et al.*,)

34 Defendants.)

35 SAN LUIS & DELTA-MENDOTA WATER)
 36 AUTHORITY, *et al.*,)

37 Defendant-Intervenors.)

38 Case No. 1:06-CV-0245 OWW GSA

39) PARTIES’ STIPULATION AND ORDER RE:
 40) DEADLINE FOR MOTION FOR
 41) ATTORNEYS’ FEES

1 Whereas judgment was entered in this case “in favor of Plaintiffs and against Defendants” on
2 September 9, 2009 (Doc. 458); and

3 Whereas Plaintiffs assert that they are prevailing parties in this case and intend to seek
4 reasonable attorneys’ fees and costs against the Federal Defendants; and

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

7 Whereas Civil Local Rule 54-293 provides that motions for attorneys’ fees must be filed not
8 later than 30 days after entry of final judgment; and

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

12 Whereas the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, is one of the statutes
13 under which Plaintiffs may seek attorneys fees and costs; and

14 Whereas EAJA provides that “a party seeking an award of fees and other expenses” may
15 apply for them “within 30 days of final judgment in the action,” and EAJA defines “final judgment”
16 as “a judgment that is final and not appealable;” and

17 Whereas the judgment in this case becomes unappealable 60 days after its entry; and

18 Whereas Plaintiffs have not previously sought an extension of time in this matter;

19 Now therefore, the Plaintiffs and Federal Defendants stipulate and agree, and request that the
20 Court enter an order, extending the deadline for Plaintiffs to file a motion for attorneys’ fees, costs,
21 and other expenses under Civil Local Rules 54-292 and 54-293 and Federal Rule of Civil Procedure
22 54(d)(2)(B) to be the same deadline as that for filing a motion under EAJA, which would fall on
23 December 9, 2009 under the existing schedule. Before filing a motion for attorneys’ fees, costs, and
24 other expenses, Plaintiffs will meet and confer with Federal Defendants in a good faith attempt to
25 settle the issue. By entering into this stipulation, Federal Defendants do not waive any defenses as to
26 whether Plaintiffs are entitled to any attorneys’ fees, costs, or other expenses.

1 DATED: September 17, 2009

/s/ George Torgun
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13 /s/ Bridget Kennedy McNeil (as authorized on 9/17/09)
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27 Pursuant to the stipulation of the parties, IT IS SO ORDERED.

28 DATED: September 17, 2009

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