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17 IN THE UNITED STATES DISTRICT COURT
18 FOR THE EASTERN DISTRICT OF CALIFORNIA

19 PACIFIC COAST FEDERATION OF) Case No. 1:06-CV-0245 OWW GSA
20 FISHERMEN'S ASSOCIATIONS/INSTITUTE)
21 FOR FISHERIES RESOURCES, *et al.*,)
22 Plaintiffs,) PARTIES' FIFTH STIPULATION AND
23 v.) ORDER RE: MOTION FOR ATTORNEYS'
24 CARLOS M. GUTIERREZ, in his official) FEES
25 capacity as Secretary of Commerce *et al.*,)
26 Defendants.)
27 SAN LUIS & DELTA-MENDOTA WATER)
28 AUTHORITY, *et al.*,)
Defendant-Intervenors.)

1 Plaintiffs Pacific Coast Federation of Fishermen's Associations/Institute for Fisheries
2 Resources, *et al.* ("Plaintiffs") and Defendants Carlos M. Gutierrez, Secretary of Commerce, *et al.*
3 ("Federal Defendants") (collectively the "Parties") are still engaged in the process of seeking a
4 negotiated resolution of Plaintiffs' pending motion for attorneys' fees and costs in this case. The
5 Parties believe that these continuing discussions are productive and are likely to avoid the need for
6 judicial review of the motion.

7 To allow time for the Parties to seek to reach a negotiated resolution, the Parties stipulate and
8 agree, and request that the Court enter an order, to stay briefing on Plaintiffs' motion for an award of
9 attorneys' fees and costs for an additional 90 days, to December 10, 2010. In support of this request,
10 Plaintiffs and Federal Defendants stipulate as follows:

11 1. Judgment was entered in this case on September 9, 2009 (Doc. No. 458), and no party
12 has appealed.

13 2. On December 8, 2009, Plaintiffs filed a motion for an award of attorneys' fees and
14 costs for their work on this litigation. Doc. No. 465. No hearing date was set; instead, concurrently
15 with the filing of the motion, Plaintiffs and Federal Defendants filed their Second Stipulation and
16 Proposed Order Re: Motion for Attorneys' Fees (Doc. No. 464) which explained that before filing
17 their motion for attorneys' fees Plaintiffs had presented Federal Defendants with a confidential letter
18 request to settle their claim including specifics about the amount sought to date, and that settlement
19 negotiations regarding Plaintiffs' claim were ongoing. Plaintiffs and Federal Defendants sought an
20 additional 120 days (to April 13, 2010) before having to brief Plaintiffs' motion within which to
21 pursue possible settlement. On December 14, 2009, the Court approved the parties' second
22 stipulation. Doc. No. 466.

23 3. Since then the Parties have requested and the Court has granted two additional
24 extensions. *See* Docs. 468 and 470. The current extension is to September 10, 2010.

25 4. As mentioned above, the Parties believe their ongoing discussions are productive and
26 desire additional time to seek to resolve this matter by negotiated resolution.

27 5. Accordingly, Plaintiffs and Federal Defendants agree that further proceedings on
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1 Plaintiffs' motion for an award of fees and costs, including the filing of memoranda and evidentiary
2 and other materials supporting that motion, should be stayed for an additional 90 days. At that time,
3 Plaintiffs and Federal Defendants will either jointly propose a briefing schedule to address Plaintiffs'
4 motion for fees and costs, or the parties shall otherwise apprise this Court of the status of Plaintiffs'
5 motion and any request for action by this Court.

6 Based on the joint stipulation set forth above, the parties respectfully request that this Court
7 stay briefing and argument on Plaintiffs' motion for an award of attorneys' fees and costs for an
8 additional 90 days from the end of the current stay, to December 10, 2010.

9 Respectfully submitted this 7th day of September, 2010.

10
11 /s/ Michael R. Sherwood
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7 Pursuant to the stipulation of the parties, IT IS SO ORDERED.

8 IT IS SO ORDERED.

9 Dated: September 8, 2010

/s/ Oliver W. Wanger
10 UNITED STATES DISTRICT JUDGE