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15	Attorneys for the rederal Defendants	
16	UNITED STATES	DISTRICT COURT
17	EASTERN DISTRI	CT OF CALIFORNIA
18	FRESNO	DIVISION
19		
20	SEQUOIA FORESTKEEPER, a non-profit organization,	CASE NO. 1:09-CV-00392-LJO-JLT
21	Plaintiff,	STIPULATION AND ORDER TO EXTEND DEADLINE TO FILE
22	VS.	MOTION REGARDING FEES
23	UNITED STATES FOREST SERVICE,	
24	TOM TIDWELL, in his official capacity as Chief of the United States Forest Service, and	Judge: Honorable Lawrence J. O'Neill
25	TINA TERRELL, in her official capacity as Forest Supervisor for Sequoia National Forest,	Complaint Filed: March 2, 2009
26	Defendants.	•
27		
28		STIPULATION AND [PROPOSED] ORDER
	Case No. C 09-00392 LJO	TO EXTEND DEADLINE TO FILE MOTION REGARDING FEES

1	WHEREAS the Court entered an amended judgment on March 16, 2011;	
2	WHEREAS any application for attorneys' fees pursuant to Local Rule 293(a)	
3	would otherwise be due not later than twenty-eight (28) days after entry of final judgment;	
4	WHEREAS any motion pursuant to the Equal Access to Justice Act ("EAJA"), 28	
5	U.S.C. § 2412, is due "within 30 days of final judgment in the action," and defines "final	
6	judgment" as "a judgment that is final and not appealable," 28 U.S.C. § 2412(d)(2)(G);	
7	WHEREAS the judgment in this case becomes unappealable 60 days from the	
8	time of its entry;	
9	WHEREAS Plaintiff Sequoia ForestKeeper and the Federal Defendants have not	
10	yet had an opportunity to meet and confer with respect to this Court's order and amended	
11	judgment or with respect to attorneys' fees and expenses relating to the litigation;	
12	WHEREAS Federal Defendants have not yet determined whether they will appeal	
13	the final judgment in this case;	
14	WHEREAS Plaintiff seeks to clarify the timing for filing an EAJA motion for fees	
15	and expenses pursuant to Local Rule 293(a);	
16	WHEREAS Plaintiff and the Federal Defendants agree to extend the deadline for	
17	an application for attorneys' fees under the Local Rule to coincide with the deadline under the	
18	EAJA;	
19	NOW THEREFORE the parties, by and through their undersigned counsel, hereby	
20	stipulate and agree that the deadline for Plaintiff to file a motion for attorneys' fees and expenses	
21	under Local Rule 293(a) is hereby extended to be the same as the deadline for filing an	
22	application for fees under EAJA. By entering into this stipulation, Federal Defendants do not	
23	waive any defenses as to whether Plaintiff is entitled to fees or costs.	
24	DATED: April 12, 2011 PAUL, HASTINGS, JANOFSKY & WALKER LLP	
25	By: /s/ Eric A. Long	
26	ERIC A. LONG	
27	Attorneys for Plaintiff SEQUOIA FORESTKEEPER	
28		

1	DATED: April 12, 2011	
2	By: /s/ J. Earlene Gordon (as authorized on 4/12/11)	
3	J. EARLENE GORDON	
4	Attorneys for the Federal Defendants	
5		
6	<u>ORDER</u>	
7	The Court has considered the above Stipulation, and good cause appearing	
8	therefore, the Court hereby ORDERS as follows: the deadline for Plaintiff to file a motion for	
9	attorneys' fees and expenses under Local Rule 293(a) is hereby extended to be the same as the	
10	deadline for filing an application for fees under EAJA. Plaintiff shall file any application or	
11	motion for attorneys' fees no later than no later than thirty days after this Court's amended	
12	judgment becomes non-appealable.	
13	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
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15	Dated: April 12, 2011	
16	Lawrence J. O'Neill UNITED STATES DISTRICT JUDGE	
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18	LEGAL_US_W # 67665425.1	
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	STIPULATION AND [PROPOSED] ORDER	