

1 **COUNSEL IDENTIFICATION ON FOLLOWING PAGE**

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CONSOLIDATED SALMON CASES
SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, et al. v. GARY. F. LOCKE, et al. (Case No. 1:09-cv-1053),
STOCKTON EAST WATER DISTRICT v. NOAA, et al. (Case No. 1:09-cv-1090),
STATE WATER CONTRACTORS v. GARY F. LOCKE, et al. (Case No. 1:09-cv-1378)
KERN COUNTY WATER AGENCY, et al. v. U.S. DEPARTMENT OF COMMERCE, et al. (Case No. 1:09-cv-1520)
OAKDALE IRRIGATION DISTRICT, et al. v. U.S. DEPARTMENT OF COMMERCE, et al. (Case No. 1:09-cv-1580),
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA v. NMFS, et al. (Case No. 1:09-cv-1625),

CASE NOS.
1:09-cv-1053-LJO-BAM
1:09-cv-1090-LJO-DLB
1:09-cv-1378-LJO-DLB
1:09-cv-1520-LJO-DLB
1:09-cv-1580-LJO-DLB
1:09-cv-1625-LJO-DLB

**JOINT STIPULATION AND ORDER
REGARDING MOTIONS FOR
ATTORNEYS' FEES AND OTHER
EXPENSES**

Judge: Hon. Lawrence J. O'Neill

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STOCKTON EAST WATER DISTRICT

1 To facilitate settlement discussions regarding claims for attorneys' fees and other expenses
2 in this case by Plaintiffs San Luis & Delta-Mendota Water Authority, State Water Contractors,
3 Stockton East Water District, Oakdale Irrigation District, and South San Joaquin Irrigation District
4 (collectively, "Plaintiffs"), the Plaintiffs and Defendants Sally Jewell, Secretary of Interior, et al.
5 ("Federal Defendants") jointly move this Court to stay briefing on the Plaintiffs' motions for
6 recovery of attorneys' fees and other expenses for 180 days. In support of this motion, the
7 Plaintiffs and Federal Defendants stipulate as follows:

8 1. The Court entered Final Judgment in this consolidated action on December 12,
9 2011. Doc. 655. The Final Judgment ordered that the parties "meet and confer regarding any
10 request by Plaintiffs, or any of them, and/or DWR for recovery of attorneys' fees and/or costs.
11 Any motion for recovery of attorneys' fees and/or costs shall be filed on or before March 1, 2012."
12 *Id.* On February 22, 2012 a Stipulation and Order Re Motion For Attorneys' Fees and/or Costs
13 was filed, which extended the time for filing any motion for recovery of attorneys' fees and/or
14 costs ("Fee Motion") beyond the date specified in the Final Judgment. Doc. 688. The Stipulation
15 and Order provides that "[a]ny Fee Motion shall be filed by Plaintiffs, or by any of them, and/or
16 by DWR no later than 90 days following the entry of a final order disposing of all appeals and
17 cross-appeals in the above-captioned *Consolidated Salmon Cases.*" *Id.* The Ninth Circuit Court
18 of Appeals issued its opinion on the appeals and cross-appeal for the *Consolidated Salmon Cases*
19 on December 22, 2014. Doc. 761; *San Luis & Delta-Mendota Water Auth. v. Locke*, No. 12-
20 15144, 2014 WL 7240003 (9th Cir. Dec. 22, 2014).

21 2. Concurrently with this joint motion and stipulation, the Plaintiffs have filed
22 separate motions for recovery of attorneys' fees and other expenses for this litigation, under the
23 Equal Access to Justice Act, 28 U.S.C. § 2412, based on the Plaintiffs' successful National
24 Environmental Policy Act claims. Discussions regarding the Plaintiffs' requests are ongoing, and
25 the Plaintiffs and Federal Defendants seek additional time to attempt to settle the Plaintiffs' claims
26 without unnecessarily burdening the Court. The Plaintiffs and Federal Defendants agree that
27 briefing and argument on the Plaintiffs' claims for fees and other expenses may be unnecessary in
28 light of the parties' intent to attempt to settle the Plaintiffs' claims.

1 3. Accordingly, the Plaintiffs and Federal Defendants agree that further proceedings
2 on the Plaintiffs' motions for recovery of fees and other expenses, including the filing of further
3 memoranda and evidentiary and other materials supporting those motions, and any oppositions
4 thereafter, should be stayed for 180 days to allow for settlement discussions.

5 4. At the conclusion of 180 days, the Plaintiffs and Federal Defendants will apprise
6 the Court of any settlement or further requested action, or jointly propose a briefing schedule to
7 address the Plaintiffs' motions for fees and other expenses if there has been no complete
8 settlement. That schedule will provide for the Plaintiffs to supplement their motions for recovery
9 of attorneys' fees and other expenses with documentation of all time and expenses sought,
10 including the additional time spent in seeking fees, opposition by the Federal Defendants, and
11 reply by the Plaintiffs, with a hearing for each motion if the Court deems hearings necessary.

12 Based on the joint stipulation set forth above, the parties respectfully request that this
13 Court stay briefing and argument on the Plaintiffs' concurrently filed motions for recovery of
14 attorneys' fees and other expenses for 180 days from the date of the Court's order granting such
15 stay, in the manner provided above.

16 Respectfully submitted this 19th day of March, 2015.

17
18 Dated: March 19, 2015

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Dated: March 19, 2015

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Environmental & Natural Resources Division

By: /s/ William Shapiro
William Shapiro, Trial Attorney
Attorneys for FEDERAL DEFENDANTS

SO ORDERED
Dated: March 19, 2015

/s/ Lawrence J. O’Neill
United States District Judge