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7 *The City and County of San Francisco*

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 CENTER FOR ENVIRONMENTAL
SCIENCE, ACCURACY & RELIABILITY, et
11 al.,

12 Plaintiffs,

13 vs.

14 THE NATIONAL PARK SERVICE, et al.,

15 Defendants.

16 THE CITY AND COUNTY OF SAN
FRANCISCO,

18 Defendant-Intervenor.

Case No. 1:14-cv-02063 LJO (MJS)

**STIPULATION FOR ORDER ENLARGING
TIME FOR DEFENDANT-INTERVENOR
CITY AND COUNTY OF SAN FRANCISCO
TO FILE COST BILL AND MOTION FOR
ATTORNEYS' FEES**

Judge:

Hon. Lawrence J. O'Neill

Hon. Michael J. Seng
U.S. Magistrate Judge

1 Pursuant to Local Rule 144(a), the parties to the judgment stipulate and seek an order of the
2 Court enlarging the time for Defendant-Intervenor City and County of San Francisco (“City”) to file
3 its bill of costs and motion for attorneys’ fees, until 30 days after any appeal in this case becomes final,
4 or in the event that no appeal is filed, until 30 days after the deadline for filing an appeal in this case.

5 On August 29, 2016, the Court entered judgment in favor of the National Park Service
6 (“NPS”), an agency of the U.S. Department of the Interior (“Interior”), and various NPS and Interior
7 officials (collectively, “Federal Defendants”) and the City.

8 Federal Rule of Civil Procedure 54(d)(2)(B)(i) provides that unless a court order mandates
9 otherwise, a motion for attorneys’ fees and related expenses must “be filed no later than 14 days after
10 the entry of judgment.” Local Rule 293(a) provides that “[m]otions for awards of attorneys’ fees to
11 prevailing parties pursuant to statute shall be filed not later than twenty-eight (28) days after entry of
12 final judgment.” Here, the deadline for the City’s fee motion is September 26, 2016. Rule 54(d)(1)
13 sets no deadline for the prevailing party to present a cost bill to the clerk.

14 Here, because Plaintiffs have not yet indicated whether they intend to appeal the judgment, the
15 parties have stipulated and seek an order of the Court enlarging the City’s time to file their cost bill
16 and attorneys’ fees motion to 30 days after final resolution of the appeal, or, in the event that Plaintiffs
17 do not appeal the judgment, 30 days after the deadline to appeal the judgment has expired.

18 This enlargement would allow the Court to rule on all fee issues at the conclusion of the case,
19 potentially including fees incurred on appeal, rather than in piecemeal fashion, and would thus
20 promote judicial economy. Other courts have granted similar extensions. See, e.g., *Planned*
21 *Parenthood of Cent. New Jersey v. Attorney General of State of New Jersey* (3d Cir. 2002) 297 F.3d
22 253, 258 (observing that “the District Court entered an order extending the time to file for attorneys’
23 fees until 30 days after the conclusion of all appeals in the case.”); *Perry v. Schwarzenegger*, N.D. Cal.
24 No. 3:09-cv-02292-VRW, Order (Aug. 24, 2010) (Dkt. No. 744). Indeed, the Advisory Committee
25 notes to the 1993 Amendments to Federal Rule of Civil Procedure 54 expressly provide that courts
26 may permit claims for fees and costs to be filed after resolution of appeals.

1 IT IS SO STIPULATED.

2 Dated: September 15, 2016

By: **/s/Roger Marzulla
ROGER MARZULLA
Attorney for Plaintiffs

4 Dated: September 15, 2016

By: **/s/Coby Howell
COBY HOWELL
Attorney for Federal Defendants

6 Dated: September 15, 2016

By: /s/Jonathan Knapp
JONATHAN KNAPP
Attorney for Defendant-Intervenor

9
10 **Pursuant to GO 45, the electronic signatory has
11 obtained approval from this signatory.

12 **ORDER**

13
14 Pursuant to stipulation, it is hereby ordered that the City's deadline to submit a bill of costs and
15 file a motion for attorneys' fees is enlarged to 30 days after final resolution of any appellate
16 proceedings in this case, or, in the event that Plaintiffs do not appeal the judgment of this Court, then
17 CCSF's deadline to submit a bill of costs and file a motion for attorneys' fees will be 30 days after the
18 deadline for appealing the Court's judgment.

19 IT IS SO ORDERED.

20 Dated: September 19, 2016

By: /s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE