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15 UNITED STATES DISTRICT COURT  
 16 EASTERN DISTRICT OF CALIFORNIA

18 JERRY VALDIVIA, et al.,  
 19 Plaintiffs,  
 20 vs.  
 21 ARNOLD SCHWARZENEGGER, et al.,  
 22 Defendants.  
 23

Case No. Civ. S-94-0671 LKK/GGH

**STIPULATION AND ORDER  
 REGARDING TIMING FOR FILING A  
 MOTION FOR ATTORNEYS’ FEES FOR  
 APPEAL OF THE ORDER RELATED TO  
 PROPOSITION 9**

1 WHEREAS on November 14, 2008, Plaintiffs filed a Motion to Enforce the Injunction;  
2 WHEREAS on February 6, 2009, Defendants filed a Motion to Modify the Injunction;  
3 WHEREAS Defendants appealed this Court’s March 26, 2009 Order granting Plaintiffs’  
4 Motion to Enforce the Injunction and denying Defendants’ Motion to Modify the Injunction;  
5 WHEREAS on March 25, 2010 the Ninth Circuit remanded the Order to the District Court  
6 for further proceedings;

7 WHEREAS on September 22, 2010 the Ninth Circuit issued the mandate on the March  
8 25, 2010 Order;

9 WHEREAS on September 28, 2010 the Ninth Circuit granted Plaintiffs’ unopposed  
10 Motion to Transfer Fees and Expenses to District Court; and

11 WHEREAS proceedings for which the March 26, 2009 Order was remanded have not yet  
12 been concluded;

13 The parties, by and through counsel, stipulate that the deadline for any motion regarding  
14 Plaintiffs’ counsel’s fees and expenses incurred in opposing the appeal of the March 26, 2009  
15 Order (“fee motion”) shall be sixty days after the expiration of the period to file a notice of  
16 appeal or writ of certiorari of any order that completely resolves the issues sought to be  
17 adjudicated in Plaintiffs’ November 14, 2008 Motion to Enforce the Injunction and Defendants’  
18 February 6, 2009 Motion to Modify the Injunction provided that neither party seeks timely  
19 appellate review of the order. In the event that a writ of certiorari is filed from such an order and  
20 denied, Plaintiffs shall have sixty days from the Supreme Court's denial of a party’s writ of  
21 certiorari to file their fee motion. This stipulation concerns only the deadline for filing. Nothing

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1 in this stipulation constitutes a waiver of any basis for entitlement to fees and costs or any  
2 defenses thereto. Nothing in this Stipulation prevents filing of a fees and costs motion earlier  
3 than the deadline.

4  
5 **IT IS SO STIPULATED.**

6 Respectfully submitted,

7 Dated: October 28, 2010

8  
9 By: /s/ Renju P. Jacobs

10 Renju P. Jacobs

11 Attorneys for Defendants

12 Dated: October 28, 2010

13 ROSEN, BIEN & GALVAN, LLP

14 By: /s/ Maria V. Morris

15 Maria V. Morris

16 Attorneys for Plaintiffs

17 **IT IS SO ORDERED.**

18 Dated: October 29, 2010.

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21 LAWRENCE K. KARLTON

22 SENIOR JUDGE

23 UNITED STATES DISTRICT COURT