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

ALLEN EDWARDS; NANCY EDWARDS;
ENVIRONMENTAL LAW FOUNDATION,

Plaintiffs,

No. CIV S-07-2153 GEB EFB

vs.

CITY OF COLFAX,

Defendant.

FINAL ORDER ON MOTION
FOR ATTORNEYS FEES

_____ /
This closed action is before the undersigned pursuant to a November 2008 settlement agreement entered into between the parties and a January 23, 2009 order stating “that the District Court, through Magistrate Brennan, shall retain jurisdiction over Civil Case No. 2:07-CV-02153 GEB (EFB) for the sole purpose of enforcing compliance by the Parties with the terms of the Agreement attached as Exhibit A to the Parties’ Stipulation to Dismiss with Prejudice” (“Settlement Agreement”). Dckt. No. 42.

On February 15, 2011, the undersigned issued a tentative order on plaintiffs’ motion for attorneys fees. Dckt. No. 120. The order provided that any objections to the figures calculated therein were to be filed within seven days of that order, or by February 22, 2011. *Id.* at 17. The order further provided that “[r]esponses to any such objections may be filed within seven days of the date such objections are filed.” *Id.*

1 On February 22, 2011, plaintiffs filed a response to the February 15 order. Dckt. No.
2 122. Plaintiffs state that they “have no objection to the Court’s awarded fees and costs
3 amounts.” *Id.* at 2. However, the response requests that the final order include an annual
4 payment date for each of the payment installments. *Id.* Additionally, the response notes “that
5 the parties’ Settlement Agreement provides for an interest rate of 10% simple interest for
6 payments not made within 30-days,” Dckt. No. 39-2 at ¶¶ 58, 69, and requests that the final order
7 “provide for an interest rate of 10% simple interest, consistent with the underlying Settlement
8 Agreement, on the four equal annual installments Defendant City of Colfax has been ordered to
9 pay Plaintiffs.” *Id.*

10 Defendant did not file an objection to the February 15 order or a response to plaintiff’s
11 February 22 filing. Accordingly, for the reasons stated in the February 15, 2011 order, Dckt. No.
12 120, IT IS HEREBY ORDERED that:

13 1. Defendant shall pay to plaintiffs \$334,500.65 in attorney’s, fees, \$89,137.32 in expert
14 costs, and \$9,385.56 in other costs, along with interest (at an interest rate of 10% simple
15 interest), in four equal annual installments, consisting of a portion of the principal of the
16 judgment and the unpaid interest on the judgment to the date of the payment. Defendant, in its
17 discretion, may prepay any one or more installments or any part of an installment.

18 2. The first installment shall be paid to plaintiffs on or before April 15, 2011; the second
19 installment shall be paid on or before April 15, 2012; the third installment shall be paid on or
20 before April 15, 2013; and the fourth installment shall be paid on or before April 15, 2014.

21 DATED: March 17, 2011.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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