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

ALLEN EDWARDS, an individual; NANCY EDWARDS, an individual; and ENVIRONMENTAL LAW FOUNDATION, a non-profit organization,

No. CIV S-07-2153 GEB EFB

Plaintiffs,

vs.

CITY OF COLFAX, a municipal corporation,

ORDER

Defendant.

_____ /
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.” Dckt. No. 42. On April 14, 2010, the undersigned heard plaintiffs’ motion for an order finding defendant in civil contempt for violation of the settlement agreement, Dckt. No. 43, and defendant’s motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) or for declaratory relief, Dckt. No. 52. Attorneys Daniel Cooper, Donald Mooney and Samantha

1 Williams appeared at the hearing on behalf of plaintiffs; attorneys Nicole Granquist and Melissa
2 Thorme appeared on behalf of defendant.

3 As stated on the record, and for the reasons stated on the record, defendant's motion for
4 relief from judgment, Dckt. No. 52, is denied. Additionally, plaintiffs' motion for an order
5 finding defendant in civil contempt, Dckt. No. 43, which the court will construe as a motion for
6 an order enforcing the settlement agreement, will be granted. Plaintiffs will be entitled to
7 recover some of the stipulated penalties plaintiffs seek pursuant to the settlement agreement,
8 reasonable attorney's fees, and appropriate injunctive relief to compel defendant's compliance
9 with the settlement agreement. An evidentiary hearing will be held on July 1, 2010, at 9:30 a.m.
10 in Courtroom No. 24, to determine the appropriate injunctive relief. Defendant shall submit a
11 declaration regarding the appropriate injunctive relief on or before June 1, 2010 and plaintiffs
12 shall submit a declaration on or before June 15, 2010. After the evidentiary hearing, the
13 undersigned will determine what injunctive relief is appropriate, as well as what monetary
14 penalties to award to plaintiffs and how to allocate those penalties, and what attorney fees are
15 reasonable to award to plaintiffs.¹

16 SO ORDERED.

17 DATED: April 22, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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24 ¹ Although the court indicated at the April 14 hearing that the amount of monetary
25 penalties to award to plaintiffs would be decided prior to the evidentiary hearing, some of the
26 penalties will likely be ordered used to implement further injunctive relief that may be awarded.
Therefore, the court will instead determine the appropriate amount of monetary penalties in
conjunction with any injunctive relief issues after the evidentiary hearing.