

1 IGNACIA S. MORENO, Assistant Attorney General
2 Environment & Natural Resources Division
3 LESLIE M. HILL, Trial Attorney
4 MICHELLE R. LAMBERT, Trial Attorney
5 U.S. Dep't of Justice, Environmental Defense Section
6 P.O. Box 23986
7 Washington, DC 20044-3986
8 Tel.: (202) 514-0375; Fax: (202) 514-8865
9 leslie.hill@usdoj.gov; michelle.lambert@usdoj.gov
10 *Attorneys for Defendants*

11 MICHAEL E. WALL (Cal. Bar No. 170238)
12 Natural Resources Defense Council
13 111 Sutter Street, 20th Fl., San Francisco, CA 94104
14 Tel.: (415) 875-6100; Fax: (415) 875-6161
15 mwall@nrdc.org
16 *Attorney for Plaintiffs Arc Ecology, Natural Resources
Defense Council, and San Francisco Baykeeper*

17 EDMUND G. BROWN JR.,
18 Attorney General of California
19 CHRISTIANA TIEDEMANN,
20 Supervising Deputy Attorney General
21 TARA MUELLER, Deputy Attorney General
22 1515 Clay Street, 20th Floor
23 Oakland, CA 94612-0550
24 Tel: (510) 622-2218; Fax: (510) 622-2270
25 chris.tiedemann@doj.ca.gov; tara.mueller@doj.ca.gov
26 *Attorneys for Plaintiff-Intervenor California Regional Water
Quality Control Board, San Francisco Bay Region*

27 [Additional Counsel on Signature Page]

28
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|----|----------------------------|-------------------------------------|
| 29 | ARC ECOLOGY, et al., | 2:07-CV-2320 GEB GGH |
| 30 | | |
| 31 | Plaintiffs, | |
| 32 | and | JOINT STIPULATION AND |
| 33 | CALIFORNIA REGIONAL WATER | [PROPOSED] ORDER EXTENDING |
| 34 | QUALITY CONTROL BOARD, SAN | DEADLINE FOR MOTION FOR |
| 35 | FRANCISCO BAY REGION, | ATTORNEYS' FEES |
| 36 | | |
| 37 | Plaintiff-Intervenor | Judge: Hon. Garland E. Burrell, Jr. |
| 38 | v. | |
| 39 | UNITED STATES MARITIME | |
| 40 | ADMINISTRATION, et al., | |
| 41 | | |
| 42 | Defendants. | |

1 WHEREAS the parties have reached a settlement agreement, which is before the
2 court as a proposed consent decree, that, if approved, will eliminate the need for a trial on
3 remedy; and

4 WHEREAS the proposed consent decree identifies Plaintiffs as “prevailing parties”
5 within the meaning of 33 U.S.C. § 1365(d), and, with respect to the Environmental
6 Plaintiffs, 42 U.S.C. § 6972(e); and

7 WHEREAS the proposed consent decree states that the parties will attempt to
8 resolve any claims to attorneys’ fees through negotiation; and

9 WHEREAS Civil Local Rule 54-292(b) provides that a bill of costs must be filed by
10 the prevailing party within 14 days after entry of judgment; and

11 WHEREAS Civil Local Rule 54-293(a) provides that a motion for an award of
12 attorneys’ fees must be filed within 28 days after entry of judgment; and

13 WHEREAS the parties believe that additional time is necessary to negotiate
14 attorneys’ fees and complete any necessary approval processes if an agreement is reached;

15 THEREFORE, Plaintiffs and Defendants stipulate and agree that Plaintiffs shall
16 have 56 days from the entry of the [Proposed] Consent Decree to file a bill of costs under
17 Civil Local Rule 54-292 and to file a motion for attorneys’ fees under Civil Local Rule
18 54-293 and Federal Rule of Civil Procedure 54(d)(2)(B), and request that the Court grant
19 such extension.

20
21 Respectfully submitted,

22 *For Defendants:*

23 Dated: April 9, 2010

BENJAMIN B. WAGNER
United States Attorney for the
Eastern District of California
TODD A. PICKLES
Assistant United States Attorney
501 I Street, suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2766
Facsimile: (916) 554-2900

1 IGNACIA S. MORENO
2 Assistant Attorney General

3 /s/ Michelle Lambert (as authorized 4/08/10)
4 MICHELLE LAMBERT
5 LESLIE M. HILL
6 Trial Attorneys
7 Environment & Natural Resources Division
8 Environmental Defense Section
9 P.O. Box 23986
10 Washington, DC 20044-3986
11 Telephone: (202) 514-0375
12 Facsimile : (202) 514-8865
13 E-Mail: leslie.hill@usdoj.gov

14 *Of Counsel:*

15 Denise R. Krepp
16 Paul M. Geier
17 Rand Pixa
18 Jay R. Gordon
19 Lane H. Nemirow
20 Michaela E. Noble

21 *For Plaintiffs*

22 Dated: April 9, 2010

23 /s/ Michael E. Wall

24 MICHAEL E. WALL (SBN 170238)
25 NATURAL RESOURCES DEFENSE COUNCIL
26 111 Sutter Street, 20th Floor
27 San Francisco, CA 94104
28 Telephone: (415) 875-875-6100
Facsimile : (415) 875-6161
E-Mail: mwall@nrdc.org

THOMAS CMAR (*pro hac vice*)
NATURAL RESOURCES DEFENSE
COUNCIL
12 North Riverside Plaza, Suite 2250
Chicago, IL 60606-9997
Telephone: (312) 651-7906
Facsimile: (312) 651-7919
E-Mail: tcmar@nrdc.org

SCOTT ALLEN (SBN 178925)
LARIVIERE, GRUBMAN & PAYNE
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940
Tel.: (831) 649-7531; Fax: (831) 649-8835
E-Mail: sallen@lgpatlaw.com

DAVID A. NICHOLAS (*pro hac vice*)
20 Whitney Road
Newton, MA 02460

1 Telephone: (617) 964-1548
2 Facsimile: (617) 663-6233
3 E-Mail: dnicholas@verizon.net

4 *Attorneys for Plaintiffs Arc Ecology, San Francisco*
5 *Baykeeper, and Natural Resources Defense Council*

6 *For Plaintiff-Intervenor:*

7 Dated: April 9, 2010

8 EDMUND G. BROWN JR.
9 Attorney General of California

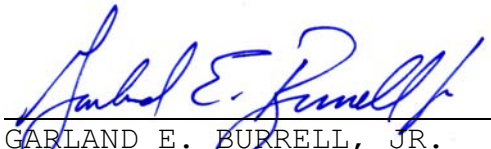
10 /s/ Christiana Tiedemann (as authorized
11 4/8/10)

12 CHRISTIANA TIEDEMANN (SBN 105299)
13 Supervising Deputy Attorney General
14 TARA L. MUELLER (SBN 161536)
15 Deputy Attorneys General
16 1515 Clay Street, 20th Floor
17 P. O. Box 70550
18 Oakland, CA 94612-0550
19 Telephone: (510) 622-2136 (Mueller);
20 (510) 622-2218 (Tiedemann)
21 Facsimile: (510) 622-2270
22 E-mail: chris.tiedemann@doj.ca.gov;
23 tara.mueller@doj.ca.gov

24 *Attorneys for Proposed Intervenor the California*
25 *Regional Water Quality Control Board, San*
26 *Francisco Bay Region*

27 Pursuant to the stipulation of the parties, IT IS SO ORDERED.

28 Dated: April 14, 2010


GARLAND E. BURRELL, JR.
United States District Judge