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PARTIES' STIPULATION AND [PROPOSED]  
ORDER RE: DEADLINE FOR MOTION FOR  
ATTORNEYS' FEES, COSTS AND EXPENSES

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16 **IN THE UNITED STATES DISTRICT COURT**  
17 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

18 CENTER FOR SIERRA NEVADA  
19 CONSERVATION, CENTER FOR BIOLOGICAL  
20 DIVERSITY, and FOREST ISSUES GROUP,  
21 non-profit corporations,

22 Plaintiffs,  
23 vs.

24 RAMIRO VILLALVAZO, in his official capacity  
25 as Forest Supervisor for the Eldorado National  
26 Forest, UNITED STATES FOREST SERVICE,

27 Federal Defendants,

28 *and*

CALIFORNIA ASSOC. OF 4 WHEEL DRIVE  
CLUBS, *et al.*,

Defendant-Intervenors.

Case No. 2:09-cv-2523-LKK-JFM

**PARTIES' STIPULATION AND ORDER RE:  
DEADLINE FOR MOTION FOR  
ATTORNEYS' FEES, COSTS AND EXPENSES**

WHEREAS Civil Local Rule 293(a) provides that motions for attorneys' fees must be filed

1 within 28 days of entry of judgment;

2 WHEREAS, the Court entered its Judgment in this matter on July 31, 2012 (Dkt. No. 113), and  
3 motions for attorneys' fees under L.R. 293 are to be filed no later than August 28, 2012;

4 WHEREAS, Plaintiffs will seek attorneys fees, costs and expenses in this case under both the  
5 Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g)(4), and the Equal Access to Justice Act  
6 ("EAJA"), 28 U.S.C. § 2412;

7  
8 WHEREAS, Federal Rule of Civil Procedure 54(d)(2)(B) provides that, unless otherwise  
9 provided by statute or order of the Court, a motion for attorneys' fees must be filed and served no later  
10 than 14 days after entry of judgment;

11 WHEREAS, EAJA provides that "a party seeking an award of fees and other expenses" may  
12 apply for them "within 30 days of final judgment in the action," and EAJA defines "final judgment" as  
13 "a judgment that is final and not appealable," 28 U.S.C. §§ 2412(d)(1)(B) and (d)(2)(g);

14  
15 WHEREAS, the Court's Judgment in this matter becomes non-appealable under Fed. R. App. P.  
16 4(a)(1)(B) sixty days after entry. Therefore, an application for fees and costs under EAJA in this case  
17 must be made no later than Monday, October 29, 2012 (90 days after entry of the Court's Judgment);

18  
19 WHEREAS, Plaintiffs have previously sought an extension of time as to the deadline to file any  
20 motion for attorneys' fees and costs under the ESA, and the Court thereby extended the ESA deadline  
21 until September 18, 2012 (Dkt. No. 115);

22 Accordingly, the parties stipulate and agree, and request that the Court enter an order extending  
23 the deadline for Plaintiffs to file a motion for attorneys' fees, costs, and other expenses under Civil  
24 Local Rules 292 and 293, and Federal Rule of Civil Procedure 54(d)(2)(B), with the same deadline as  
25 that for filing a motion for attorneys' fees, costs, and expenses under EAJA. Before filing a motion for  
26 attorneys' fees, costs, and expenses, Plaintiffs will meet and confer with Federal Defendants in a good  
27 faith attempt to settle this issue. By entering into this Stipulation, Federal Defendants do not waive any  
28

1 defenses as to whether Plaintiffs are entitled to any attorneys' fees, costs or expenses in this case.

2 Respectfully submitted on September 12 , 2012.

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5 Environment and Natural Resources Division

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16 *Attorney for Intervenor Defendants*

17  
18  
19 **ORDER**

20  
21 Pursuant to the stipulation of the parties, Plaintiffs' cost bill and attorney fee petition are due no  
22 later than October 29, 2012, IT IS SO ORDERED.

23 Dated this 17th of September, 2012.

24  
25   
26 LAWRENCE K. KARLTON  
27 SENIOR JUDGE  
28 UNITED STATES DISTRICT COURT