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12
13 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 SIERRA CLUB and FRIENDS OF THE WEST) Civ. No. 2:12-CV-00044-WBS-CKD
16 SHORE,)

17 Plaintiffs,)

18 vs.)

19 TAHOE REGIONAL PLANNING AGENCY,)
COUNTY OF PLACER, and BOARD OF)
20 SUPERVISORS OF THE COUNTY OF)
PLACER,)

21 Defendants,)

22 vs.)

23 HOMEWOOD VILLAGE RESORTS, LLC and)
24 JMA VENTURES, LLC,)

25 Defendants and)
26 Real Parties in Interest.)

STIPULATION AND [~~PROPOSED~~] ORDER
TO RESCHEDULE PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND COSTS

1 Plaintiffs Sierra Club and Friends of the West Shore (“Plaintiffs”) and Defendants Tahoe
2 Regional Planning Agency (“TRPA”), County of Placer and Board of Supervisors of the County of
3 Placer (collectively “County”), Homewood Village Resorts, LLC, and JMA Ventures, LLC
4 (“Defendants”), through their undersigned attorneys, respectfully submit this Stipulation and
5 [Proposed] Order to reset Plaintiffs’ hearing for their attorney’s fees and costs motion for February
6 24, 2014. As grounds for this Stipulation and [Proposed] Order, Plaintiffs and Defendants state as
7 follows:

8 (1) On January 4, 2013, this Court granted in part and denied in part Plaintiffs’ motion
9 for summary judgment and enjoined Defendants from constructing the Homewood Ski Area Master
10 Ski Plan (“Project”), which would expand the Homewood Mountain Resort, in Homewood
11 California on the west shore of Lake Tahoe. (Dkt. No. 69.)

12 (2) On March 27, 2013 Plaintiffs filed a motion for their attorney’s fees and costs in the
13 litigation. The motion was set for May 6, 2013.

14 (3) Since that time, Plaintiffs and defendants Homewood Village Resorts, LLC and JMA
15 Ventures, LLC (collectively “JMA”) have engaged in settlement negotiations to avoid further
16 litigation over the Project and to resolve Plaintiffs’ attorney’s fees motion.

17 (4) To facilitate resolution of both the Project issues and the attorney’s fees motion in one
18 settlement agreement, Plaintiffs have postponed the hearing date for the attorney’s fees motion
19 several times. (*See* Dkt. Nos. 81, 83-87).

20 (5) On October 3, 2013, Plaintiffs filed their sixth amended notice of motion for
21 attorney’s fees and costs, rescheduling the October 21 hearing on the motion for November 18,
22 2013. (Dkt. No. 87.)

23 (6) Thereafter, the Court informed all parties by e-mail that any further continuances on
24 the hearing date must be made by proper stipulation and proposed order, with a reason for the
25 continuance stated in the stipulation.

26 (7) Plaintiffs and JMA have made significant progress in resolving the Project issues and
27 Plaintiffs’ attorney’s fees and costs claims. Plaintiffs and JMA have reached agreement regarding
28 the basic framework for settlement. The basic framework for settlement includes resolution of

1 Plaintiffs' motion for an award of attorneys' fees. Plaintiffs and JMA have worked diligently on
2 drafting and negotiating a written agreement memorializing these terms. Plaintiffs and JMA need
3 additional time to reach agreement on the written agreement. Plaintiffs and JMA are optimistic that
4 they can reach agreement in the near term. If Plaintiffs and JMA reach agreement, a hearing on
5 Plaintiffs' fee motion will not be required.

6 (8) All parties agree that rescheduling the hearing for February 24, 2014 should allow the
7 parties sufficient time to complete settlement negotiations and finalize a settlement agreement.

8 (9) The proposed rescheduling of the hearing date requested by this Stipulation and
9 [Proposed] Order will not prejudice any party and will promote the efficient use of judicial resources
10 and the resources of the parties.

11 For all of these reasons, Plaintiffs and Defendants respectfully request that this Court approve
12 the Stipulation through the [Proposed] Order below.

13
14 DATED: October 31, 2013

Respectfully submitted,

15
16 /s/ Wendy S. Park
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WENDY S. PARK
17 *Counsel for Plaintiffs Sierra Club and Friends of the*
18 *West Shore*

19 MICHAEL LOZEAU
20 *Counsel for Plaintiff Friends of the West Shore*

21 /s/ Andrew B. Sabey (authorized 10/31/13)
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22 Tahoe Regional Planning Agency

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27 /s/ Karin E. Schwab (authorized 10/31/13)
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*Counsel for Defendants County of Placer and Board of
Supervisors of the County of Placer*

/s/ Howard F. Wilkins III (authorized 10/31/13)
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Homewood Village Resorts, LLC and JMA Ventures,
LLC*

ORDER

Good cause having been shown, the Stipulation is approved. Plaintiffs' motion for attorney's fees and costs is reset for February 24, 2014 at 2:00 p.m.

IT IS SO ORDERED.

Dated: November 1, 2013



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE