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11 *Counsel for Plaintiff Friends of the West Shore*

12 UNITED STATES DISTRICT COURT
13 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,)
20 COUNTY OF PLACER, and BOARD OF)
SUPERVISORS OF THE COUNTY OF)
21 PLACER,)

22 Defendants,)

23 vs.)

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

25 Defendants and)
26 Real Parties in Interest.)

STIPULATION AND [~~PROPOSED~~] ORDER
TO STAY 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 stay Plaintiffs’ hearing for their attorney’s fees and costs motion currently set
6 for February 24, 2014 until August 4, 2014. As grounds for this Stipulation and [Proposed] Order,
7 Plaintiffs and Defendants state as 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 a
19 number of times. (*See* Dkt. Nos. 81, 83-88).

20 (5) On January 27, 2014, JMA and plaintiffs entered into a settlement agreement
21 regarding the project (“project settlement agreement”).

22 (6) Because the County could not be a party to the project settlement agreement, the
23 parties decided to enter into a separate “side agreement” settling plaintiffs’ costs and fees claims.

24 (6) JMA, the County, and Plaintiffs have drafted the side agreement, but need additional
25 time to finalize the agreement and obtain all parties’ signatures to the agreement.

26 (7) The side agreement will require JMA to pay plaintiffs \$275,000 on or before July 26,
27 2014, after which all parties would be released from plaintiffs’ claims for attorney’s fees and costs
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1 and plaintiffs would be required to withdraw the pending attorney's fees motion within seven days
2 of receiving payment.

3 (8) The agreement contemplates that if JMA does not make the required payment by this
4 date, the parties will not be released from plaintiffs' claims for attorney's fees and costs, and
5 plaintiffs would be able to proceed with their attorney's fees motion.

6 (9) All parties agree that staying the motion until August 4, 2014 would allow sufficient
7 time to finalize the side agreement and fulfill the terms of the side agreement.

8 (10) The proposed stay of the motion requested by this Stipulation and [Proposed] Order
9 will not prejudice any party and will promote the efficient use of judicial resources and the resources
10 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 DATED: February 10, 2014

Respectfully submitted,

14
15 /s/ Wendy S. Park
16 TRENT W. ORR
17 WENDY S. PARK
18 *Counsel for Plaintiffs Sierra Club and Friends of the
19 West Shore*

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

22 /s/ Andrew B. Sabey (authorized 2/10/14)
23 JOHN L. MARSHALL
24 Tahoe Regional Planning Agency

25 ANDREW B. SABEY
26 SCOTT B. BIRKEY
27 Cox, Castle & Nicholson, LLP

28 *Counsel for Defendant Tahoe Regional Planning
Agency*

/s/ Karin E. Schwab (authorized 2/10/14)
VALERIE D. FLOOD
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Placer County Counsel's Office

1 *Counsel for Defendants County of Placer and Board of*
2 *Supervisors of the County of Placer*

3 /s/ Howard F. Wilkins III (authorized 2/10/14)
4 WHITMAN F. MANLEY
5 HOWARD F. WILKINS III
6 Remy Moose Manley, LLP

7 *Counsel for Defendants and Real Parties in Interest*
8 *Homewood Village Resorts, LLC and JMA Ventures,*
9 *LLC*

10 **ORDER**

11 Good cause having been shown, the Stipulation is approved. Plaintiffs' motion for attorney's
12 fees and costs is stayed until August 4, 2014. The February 24, 2014 hearing date is vacated. If
13 Plaintiffs' motion for attorney's fees and costs is not withdrawn by this date, Plaintiffs will be
14 allowed to re-notice their motion for attorney's fees and costs for a new hearing date.

15 IT IS SO ORDERED.

16 Dated: February 10, 2014

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18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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