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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,)
 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 ORDER TO
 WITHDRAW 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 withdraw Plaintiffs’ motion for their attorney’s fees and costs, currently set for
6 August 4, 2014. As grounds for this Stipulation and [Proposed] Order, Plaintiffs and Defendants
7 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. (Dkt. 80.)

14 (3) Thereafter, the parties engaged in settlement negotiations to avoid further litigation
15 over the Project and to resolve Plaintiffs’ attorney’s fees motion.

16 (4) To facilitate settlement of the Project issues and plaintiffs’ attorney’s fees motion in
17 one settlement agreement, Plaintiffs postponed the hearing date for the attorney’s fees motion a
18 number of times. (*See* Dkt. Nos. 81, 83-88).

19 (5) On January 27, 2014, JMA and Plaintiffs entered into a settlement agreement
20 regarding the project.

21 (6) On March 12, 2014, JMA and Plaintiffs entered into a side agreement requiring JMA
22 to pay plaintiffs \$275,000 on or before July 26, 2014, after which all parties would be released from
23 plaintiffs’ claims for attorney’s fees and costs and Plaintiffs would be required to withdraw the
24 pending attorney’s fees motion within seven days of receiving payment.

25 (7) On February 11, 2014, the Court entered an order and stipulation staying Plaintiffs’
26 motion for attorney’s fees until August 4, 2014 to facilitate the terms of this agreement.

27 (8) JMA timely paid Plaintiffs’ claims for attorney’s fees and costs on July 24, 2014.
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1 (9) Plaintiffs hereby withdraw their motion for attorney's fees and costs, per the terms of
2 the March 12, 2014 side agreement, and the parties request that the Court vacate the August 4, 2014
3 hearing date.

4 (10) The withdrawal of the motion noticed by this Stipulation and [Proposed] Order will
5 not prejudice any party and will promote the efficient use of judicial resources and the resources of
6 the parties.

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

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10 DATED: July 28, 2014

Respectfully submitted,

11
12 /s/ Wendy S. Park
TRENT W. ORR
WENDY S. PARK
13 *Counsel for Plaintiffs Sierra Club and Friends of the
West Shore*

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15 MICHAEL LOZEAU
Counsel for Plaintiff Friends of the West Shore

16
17 /s/ John L. Marshall (authorized 7/28/14)
JOHN L. MARSHALL
Tahoe Regional Planning Agency

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19 ANDREW B. SABEY
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21 *Counsel for Defendant Tahoe Regional Planning
Agency*

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23 /s/ Karin E. Schwab (authorized 7/28/14)
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24 Placer County Counsel's Office

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26 *Counsel for Defendants County of Placer and Board of
Supervisors of the County of Placer*

1 /s/ Howard F. Wilkins III (authorized 7/28/14)
2 WHITMAN F. MANLEY
3 HOWARD F. WILKINS III
4 Remy Moose Manley, LLP

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

8 **ORDER**

9 Good cause having been shown, the Stipulation is approved. Plaintiffs' motion for attorney's
10 fees and costs is hereby withdrawn. The August 4, 2014 hearing date is vacated.

11 IT IS SO ORDERED.

12 Dated: July 29, 2014

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14 WILLIAM B. SHUBB
15 UNITED STATES DISTRICT JUDGE
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