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14 Attorneys for Plaintiffs
 SOUTH YUBA RIVER CITIZENS LEAGUE
 15 AND FRIENDS OF THE RIVER

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

18
 19 SOUTH YUBA RIVER CITIZENS LEAGUE, et
 20 al.,

21 Plaintiffs,

22 v.

23 NATIONAL MARINE FISHERIES SERVICE, et
 24 al.,

25 Defendants.
 26
 27

Civil Case No.: 2:13-cv-00059-MCE-EFB

**STIPULATION AND ORDER FOR
 MOTION TO DISMISS AND MOTION
 FOR ATTORNEYS' FEES BRIEFING
 SCHEDULE**

1 Pursuant to Local Rule 143 the following stipulation is entered into between Plaintiffs South
2 Yuba River Citizens League and Friends of the River (collectively "Plaintiffs") and National Marine
3 Fisheries Service ("NMFS"); U.S. Department of Commerce; Penny Pritzker as Secretary of Commerce;
4 William Stelle as Regional Administrator of the NMFS West Coast Region; the U.S. Army Corps of
5 Engineers ("Corps"); John McHugh as Secretary of the Army; and Colonel Michael Farrell, as District
6 Commander, Sacramento District (collectively "Federal Defendants").¹

7 WHEREAS in the above captioned case, Plaintiffs sought relief and injunction against the Corps
8 and NMFS, raising claims relating to the February 2012 Biological Opinion for the Corps' operation and
9 maintenance of Englebright and Daguerre Point Dams on the Yuba River ("2012 BiOp"), issued by
10 NMFS pursuant to the Endangered Species Act ("ESA");

11 WHEREAS on August 13, 2013, the Court granted a stay of proceedings while Federal
12 Defendants pursued an administrative process to develop a new biological opinion that would supersede
13 the 2012 BiOp;

14 WHEREAS on May 12, 2014 NMFS issued a new final biological opinion regarding Daguerre
15 Point Dam, and issued a final letter of concurrence concerning the Corps' activities at Englebright Dam;

16 WHEREAS on May 13, 2014 Federal Defendants filed with the Court a Notice of Completion of
17 ESA Consultation And Request For Status Conference that proposed that the Court direct the parties to
18 confer and jointly file a case management statement as to their positions regarding further proceedings
19 in this litigation;

20 WHEREAS counsel for the parties have conferred and have agreed to move for dismissal of
21 Plaintiffs' claims without prejudice;

22 WHEREAS Plaintiffs have also informed Federal Defendants of their intention to move for
23 attorneys fees and costs;

24 THEREFORE, by and through counsel, the parties do hereby stipulate to the following briefing
25

26 ¹ Penny Pritzker has replaced Rebecca M. Blank as Secretary of Commerce; William Stelle has replaced Rodney McInnis
27 and is Administrator of NMFS's newly created West Coast Region; and Colonel Michael Farrell has replaced Colonel
28 William J. Leady as District Commander of the Army Corps' Sacramento District.

1 schedule for the motion to dismiss and Plaintiffs' motion for attorneys fees;

2 1. Plaintiffs shall file the motion to dismiss and their motion for attorneys fees and costs by
3 September 19, 2014. Plaintiffs will provide Federal Defendants with a copy of their native format Excel
4 billing spreadsheets prior to or concurrently with the filing of their motion.

5 2. Federal Defendants shall file their opposition to Plaintiffs' motion for attorneys fees and
6 costs by October 10, 2014.

7 3. Plaintiffs shall file their reply in support of their motion for attorneys fees and costs by
8 October 23, 2014.

9 4. The hearing for the motion to dismiss and Plaintiffs' motion for attorneys fees and costs
10 shall be noticed for October 30, 2014.

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12
13 Dated: July 15, 2014

/s/ Patricia Weisselberg _____
Patricia Weisselberg
Attorney for Plaintiffs
South Yuba River Citizens League and
Friends of the River

SAM HIRSCH,
Acting Assistant Attorney General
United States Department of Justice
Environment & Natural Resources Division
SETH M. BARSKY, Section Chief
S. JAY GOVINDAN, Assistant Chief

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20 Dated: July 15, 2014

By permission: */s/ Daniel Pollak* _____

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Attorneys for Federal Defendants

ORDER

The Court having read and considered the foregoing stipulation, and good cause appearing,

IT IS SO ORDERED.

Dated: July 22, 2014



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT