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 8 IN THE UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 ERNESTO LIRA,)	No. C-00-0905 SI (pr)
13 Plaintiff,)	
14 v.)	STIPULATION FOR ORDER
15 DIRECTOR OF CORRECTIONS, et al.)	EXTENDING FILING DEADLINES FOR
16 Defendant.)	PLAINTIFF'S MOTION FOR
)	ATTORNEYS FEES AND
)	DEFENDANT'S OBJECTIONS TO BILL
)	OF COSTS; SUPPORTING
)	DECLARATION OF COUNSEL;
)	ORDER FOR EXTENSION

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 19 **STIPULATION**

20 The parties, having conferred through their counsel and pursuant to Civil Local Rules 6-2 and
 21 54-6(a), hereby stipulate to the following extended schedule of deadlines for plaintiff's planned
 22 motion for attorneys fees pursuant to 42 U.S.C. §1988 and any objections by defendant to plaintiff's
 23 planned bill of costs:

- 24 1. Plaintiff shall file his bill of costs by October 14, 2009.
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- 2. Plaintiff shall file his motion for attorneys fees by November 16, 2009 (an extension of 33 days).
- 3. Defendant shall file any objections to the bill of costs and any opposition to the motion for attorneys fees by December 18, 2009 (extensions of 55 days and 18 days, respectively).
- 4. Plaintiff shall file any reply to defendant's opposition to the motion for attorneys fees by January 4, 2009 (an extension of 26 days).
- 5. Hearing on plaintiff's motion for attorneys fees will be held on January 15, 2010 at 9:00 a.m.

The reasons supporting this stipulation for deadline extension are set forth in the declaration of counsel that follows.

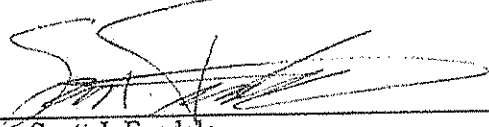
Dated: October 8, 2009

CHAPMAN, POPIK & WHITE, LLP

By: 
 Mark A. White
 Attorneys for Plaintiff Ernesto Lira

Dated: October 8, 2009

EDMUND G. BROWN, JR., ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

By: 
 Scott J. Feudale
 Deputy Attorney General
 Attorneys for Defendant

DECLARATION OF COUNSEL

I, Mark A. White, state:

- 1. I am an attorney admitted to practice before this Court and a partner of the firm of Chapman Popik & White LLP, counsel for plaintiff Ernesto Lira in this action. The following

1 statements are made of my own personal knowledge, and if called upon, I could testify competently
2 to them.

3 2. In view of the Court's September 30, 2009 decision and judgment, our office has
4 begun preparations for a motion for attorneys fees pursuant to 42 U.S.C. §1988, as well as a bill of
5 costs. Although we plan to file the cost bill by October 14, 2009 as required by Local Rule 54-1,
6 there are several reasons why the effort required to research and draft the motion for attorneys fees
7 cannot be accomplished by that same date, which is also the deadline for the motion under Rule
8 54(d)(2)(B) and Local Rule 54-6:

9 (a) First, the process of reviewing attorney time records generated by our firm in
10 this case since 2006 in order to finalize lodestar attorney hours for the motion will be substantial and
11 time consuming.

12 (b) Second, the motion will seek fees not only on behalf of our firm but also on
13 behalf of Howard, Rice, Nemerovski, Cannady, Falk & Rabkin, P.C., the firm which represented Mr.
14 Lira during the initial appeal to the Ninth Circuit from summary judgment beginning in 2004, and
15 interaction with attorneys from the Howard Rice firm to finalize their lodestar attorney hours will
16 require additional time and effort.

17 (c) Third, our office is planning to secure and submit declarations from local civil
18 rights attorneys addressing the reasonableness of the claimed attorney hours in relation to the
19 chronology and complexity of the litigation, and that effort will also require substantial time and
20 effort, particularly given the nine-year history of the litigation.

21 (d) Fourth, my own current caseload involves a number of court appearances and
22 filing deadlines prior to October 14, and continuing through the balance of the month, and my
23 partner Bill Chapman has been on vacation in Vermont and does not return until October 12.

24 3. In addition, counsel for defendant, Deputy Attorney General Scott Feudale, requires
25 additional time within which to file any objections to the bill of costs and his opposition to the
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1 motion for attorneys fees, due to the press of work on other assigned matters and upcoming vacation
2 and court holidays, including Thanksgiving.

3 4. Finally, additional time is required for counsel to prepare these court filings as a result
4 of their meet-and-confer obligations under Local Rule 54-2(b) (objections to cost bill) and Local
5 Rule 56-7 (motion for attorneys fees).

6 5. In consideration of these circumstances, Mr. Feudale and I have conferred and agree
7 that the stipulated schedule of extended deadlines is both feasible and a reasonable accommodation
8 of counsel given the scope and complexity of the matters involved.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed this 8 th day of October, 2009, in San Francisco, California.

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12 By: 
13 Mark A. White

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15 **ORDER**

16 Pursuant to the parties' stipulation, and good cause having been shown;

17 IT IS SO ORDERED.

18 10/14/09

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20 United States District Judge

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