

1 The parties further stipulate that Defendant's response to the Fee Motion will be due on February
2 27, 2009, and Plaintiffs' reply will be due on March 6, 2009.

3 Respectfully submitted and agreed to this 23rd day of January, 2009:

4 JOHN C. CRUDEN
5 Acting Assistant Attorney General
6 Environment and Natural Resources Division

7 By: Martin F. McDermott
8 MARTIN F. McDERMOTT, Attorney
9 Environment and Natural Resources Division
10 Environmental Defense Section
11 U.S. Department of Justice
12 *Attorney for Defendant*

10 *Of Counsel:*
11 DAWN M. MESSIER
12 Office of General Counsel
13 U.S. EPA
14 Ariel Rios Building, 2355A
15 1200 Pennsylvania Avenue, N.W.
16 Washington, D.C. 20460

14 *STIPULATED AND AGREED TO BY:*

15 (S) by Melissa Powers
16 MELISSA POWERS
17 Pacific Environmental Advocacy Center
18 10015 S.W. Terwilliger Blvd.
19 Portland, OR 97219-7799
20 *Attorney for Plaintiffs*

21 **[PROPOSED] ORDER**

22 Upon consideration of the parties' Joint Stipulation, hearing on Plaintiffs' Motion for
23 Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act, currently set for February
24 13, 2009 is continued until March 20, 2009. Defendant's response to said Motion will be due on
25 February 27, 2009; Plaintiffs' reply will be due on March 6, 2009.

26 DATED: _____ Susan Illston
Hon. Susan Illston, United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2009, the foregoing JOINT STIPULATION TO CONTINUE BRIEFING AND HEARING DATES FOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO EAJA and PROPOSED ORDER were served electronically through the Court's ECF system on counsel of record.

/s/ Martin F. McDermott 
Martin F. McDermott