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18 IN THE UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20 SAN FRANCISCO DIVISION

21 FAITH CENTER CHURCH  
EVANGELISTIC MINISTRIES, et al.,

22 Plaintiffs,

23 v.

24 FEDERAL D. GLOVER, et al.,

25 Defendants.  
26  
27  
28

CASE NO. C-04-3111 JSW

**NOTICE OF WITHDRAWAL OF  
MOTION AND JOINT STIPULATION  
TO CHANGE THE TIME FOR  
PLAINTIFFS' APPLICATION FOR  
ATTORNEYS' FEES AND COSTS**

**NOTICE OF WITHDRAWAL OF MOTION**

Pursuant to Civil L.R. 7-7, Plaintiffs, by and through counsel, withdraw their Motion for Attorneys' Fees and Nontaxable Expenses and the documents simultaneously filed in support thereof and request that the Court remove the motion from its calendar on July 29, 2005, if the Court orders the following Joint Stipulation to Change the Time for Plaintiffs' Application for Attorneys' Fees and Costs.

**JOINT STIPULATION TO CHANGE THE TIME FOR PLAINTIFFS' APPLICATION FOR ATTORNEYS' FEES AND COSTS**

Pursuant to Civil L.R. 6-2 and 7-12, the parties, by and through counsel, respectfully request in this joint stipulation an order from the Court to change the time for Plaintiffs to file their application for attorneys' fees and costs under 42 U.S.C. § 1988, if the Plaintiffs are prevailing parties, until 30 days after the expiration of any time period for appeals, or, if the decision is appealed, until 30 days after all appeals are completed in this case, whichever is later. For the purpose of this joint stipulation, the term "appeals" includes the time period to file a petition for a writ of certiorari to the United States Supreme Court, resolution of the case at the United States Supreme Court, and entry of final judgment on remand in district court, whichever is later.

The reason for the request is to delay final consideration of attorneys' fees and costs until all other court action in this case is completed. The parties seek to avoid the unnecessary expenditure of time and cost for the parties and this Court by preventing re-litigation of an interim fee award at the conclusion of the case.

There have been two previous time modifications in this case. In response to an unopposed motion by the Plaintiffs, this Court modified by court order the deadline for conducting an Early Neutral Evaluation ("ENE") Session from March 10, 2005 until 30 days

1 after this Court's ruling on Plaintiffs' Motion for Preliminary Injunction, which occurred on May  
2 23, 2005. Again, on June 13, 2005, this court modified the deadline for conducting ENE until 30  
3 days after all appeals of the preliminary injunction are completed in this case.

4 The parties do not anticipate that the requested time modification will affect the schedule  
5 for the case because the modification concerns the schedule for post-judgment case activity.

6 **CERTIFICATE OF SERVICE**

7 The undersigned counsel for the Plaintiffs certifies that a true and correct copy of the  
8 foregoing document was electronically filed with the Clerk of the Court using the CM/ECF  
9 system, which sent notification of such filing to Kelly M. Flanagan and Danielle R. Merida of  
10 the Office of the Contra Costa County Counsel. Pursuant to this Court's Standing Orders, a  
11 Chambers Copy was sent to the Clerk of the Court by overnight Federal Express, on the 30th day  
12 of June, 2005.  
13

14 Respectfully submitted by,

15  
16 /s/ Elizabeth A. Murray  
17 Attorney for Plaintiffs

Date: June 30, 2005

18  
19 /s/ Kelly M. Flanagan  
20 Attorney for Defendants

Date: June 30, 2005

21 **ATTESTATION**

22 I, Elizabeth A. Murray, hereby attest that concurrence in the filing of this document was  
23 obtained from Kelly Flanagan.

24  
25 /s/ Elizabeth A. Murray  
26 Attorney for Plaintiffs

Date: June 30, 2005

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on the Motion for Attorneys' Fees is VACATED. The Clerk is directed to terminate the motion as withdrawn.

/s/ Jeffrey S. White  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

Date: July 1, 2005, 2005.

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