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IN THE U.S. DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA, et al.,) Case No. 05-03508-EDL
Plaintiffs,) Consolidated with

v.)

UNITED STATES DEPARTMENT OF)
AGRICULTURE, et al.,)

Defendants.) Case No. 05-04038-EDL

THE WILDERNESS SOCIETY, et al.,)

Plaintiffs,) **STIPULATION ON**
ATTORNEYS' FEES AND
COSTS; [PROPOSED] ORDER

v.)

UNITED STATES FOREST SERVICE, et al.,)

Defendants)

Stipulation on Attorneys Fees and Costs; [Proposed] Order
Case Nos. 05-3508-EDL and 05-04038-EDL

1 Plaintiffs and Federal Defendants in The Wilderness Society et al. v. United States Forest
2 Service, Case No. 05-04038-EDL, by their undersigned attorneys, hereby stipulate as follows:

3 1. Federal Defendants agree to settle the claim for costs and attorneys' fees of
4 Plaintiffs (filed December 15, 2009) for five hundred thousand dollars (\$500,000.00), of which
5 \$275,000.00 shall come from the Judgment Fund, pursuant to 16 U.S.C. § 1540(g)(4), and
6 \$225,000.00 shall come from the United States Forest Service, pursuant to 28 U.S.C. § 2412(d).

7 2. Payment, as identified in Paragraph 1 above, shall be accomplished by electronic
8 fund transfer(s) into the Client Trust Account of plaintiffs' attorneys, Earthjustice. Undersigned
9 counsel for Plaintiffs shall provide the appropriate account number and any other information
10 needed to make payment to the undersigned counsel for Defendants. Defendants shall submit
11 the necessary paperwork for payment to the Department of the Treasury's Judgment Fund Office
12 pursuant to 16 U.S.C. § 1540(g)(4) and to appropriate Forest Service authorities within twenty
13 (20) business days after this stipulation is entered by the Court or Plaintiffs provide the
14 information required to facilitate the payment, whichever is later. Plaintiffs' attorneys shall
15 notify the Defendants' attorneys when payment is received.

16 3. Plaintiffs agree to accept payment of \$500,000.00 in full satisfaction of any and
17 all claims for attorneys' fees and costs in the above-captioned litigation.

18 4. Plaintiffs' attorneys are receiving funds in trust for Plaintiffs, and Plaintiffs agree
19 to this procedure. Plaintiffs and their attorneys agree to hold harmless Defendants in any
20 litigation, further suit, or claim arising from the payment of the agreed-upon \$500,000.00
21 settlement amount pursuant to Paragraph 2.

22 5. This Stipulation is the result of compromise and settlement, and it is based on and
23 limited solely to the facts involved in this case. This stipulation does not represent an admission
24 by any party to any fact, claim, or defense concerning any issue in this case. Further, this
25 Stipulation has no precedential value and shall not be used as evidence by either Federal
26 Defendants or Plaintiffs in any other litigation except as necessary to enforce the terms of the

1 stipulation. Nothing in this Stipulation shall be interpreted as, or shall constitute, a requirement
2 that Defendants are obligated to pay any funds exceeding those available, or take any action in
3 contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other applicable
4 appropriations law.

5 6. The undersigned representatives of Plaintiffs and Federal Defendants certify that
6 they are fully authorized by the respective Parties whom they represent to enter into the terms
7 and conditions of this Stipulated Agreement and to legally bind such Parties to it.

8 7. Nothing in the terms of this Stipulation shall be construed to limit or deny the
9 power of a federal official to promulgate or amend regulations.

10 8. This Stipulation represents the entirety of the undersigned Parties' commitments
11 with regard to settlement. The terms of this agreement shall become effective upon approval by
12 the Court of this Stipulation.

13 IT IS HEREBY AGREED.

14
15 Dated: January 29, 2010

IGNACIA S. MORENO
Attorney General

/s/ Barclay T. Samford
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On behalf of Federal Defendants

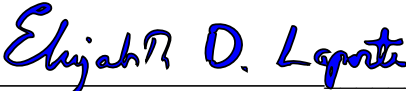
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On behalf of Plaintiffs

IT IS SO ORDERED.

Entered on this 1 day of February, 2010.



ELIZABETH D. LAPORTE
United States Magistrate Judge