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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

19 _____)
CENTER FOR BIOLOGICAL DIVERSITY, *et al.*,)
20 Plaintiffs,)
v.)
21 U.S. BUREAU OF LAND MANAGEMENT, *et al.*,)
22 Federal Defendants, and)
23 KERN COUNTY, CALIFORNIA, *et al.*,)
24 Intervenor-Defendants.)
_____)

Case No. 3:06 CV-04884 SI
STIPULATION ON ATTORNEYS'
FEES AND COSTS –
CENTER FOR BIOLOGICAL
DIVERSITY, *ET AL.* PLAINTIFFS;
ORDER [~~PROPOSED~~]

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1 The Federal Defendants, U.S. Bureau of Land Management (BLM), *et al.*, and the coalition of
2 plaintiffs consisting of the Center for Biological Diversity, Sierra Club, Public Employees for
3 Environmental Responsibility, and Desert Survivors (collectively, the CBD Plaintiffs), submit this
4 stipulation and proposed order to request that the Court approve their settlement of the CBD Plaintiffs'
5 motion for attorneys' fees and costs (Doc. 258). The Federal Defendants and the CBD Plaintiffs
6 hereby agree and stipulate as follows:

7 1. The Federal Defendants agree to settle the claim for attorneys' fees and costs of
8 litigation filed by the CBD Plaintiffs for \$180,000.00, which shall be paid by the Bureau of Land
9 Management pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

10 2. Payment, as identified in Paragraph 1 above, shall be accomplished by electronic fund
11 transfer(s) of \$90,000.00 into the Client Trust Account of the Center for Biological Diversity and
12 \$90,000.00 into the Client Trust Account of the Mills Legal Clinic of Stanford Law School.
13 Undersigned counsel for the CBD Plaintiffs shall provide to the undersigned counsel for the Federal
14 Defendants the appropriate account numbers and any other information needed to make payment. The
15 Federal Defendants shall submit the necessary paperwork for payment to the appropriate Bureau of
16 Land Management authorities within twenty (20) business days after this stipulation is entered by the
17 Court or after the CBD Plaintiffs provide the information required to facilitate the payment, whichever
18 is later. The CBD Plaintiffs' attorneys shall notify the Federal Defendants' attorneys when payment is
19 received. The BLM shall make all reasonable efforts to make payment within approximately forty-five
20 (45) days after receipt of the CBD Plaintiffs' bank account and routing number.

21 3. The CBD Plaintiffs agree to accept payment of \$180,000.00 in full satisfaction of any
22 and all claims for attorneys' fees and costs in the above-captioned litigation.

23 4. The CBD Plaintiffs' attorneys agree that they will receive funds in trust for the CBD
24 Plaintiffs, and the CBD Plaintiffs agree to this procedure. The CBD Plaintiffs and their attorneys agree
25 to hold harmless the Federal Defendants in any litigation, further suit, or claim arising from the
26 payment of the agreed-upon \$180,000.00 settlement amount pursuant to Paragraph 2.

27 5. This Stipulation is the result of compromise and settlement, and it is based on and
28 limited solely to the facts involved in this case. This Stipulation does not represent an admission by

1 any Party to any fact, claim, or defense concerning any issue in this case. Further, this Stipulation has
2 no precedential value and shall not be used as evidence by either the Federal Defendants or the CBD
3 Plaintiffs in any other litigation except as necessary to enforce the terms of the Stipulation. Nothing in
4 this Stipulation shall be interpreted as, or shall constitute, a requirement that the Federal Defendants are
5 obligated to pay any funds exceeding those available, or take any action in contravention of the Anti-
6 Deficiency Act, 31 U.S.C. § 1341, or any other applicable appropriations law.

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

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

12 8. This Stipulation represents the entirety of the undersigned Parties' commitments with
13 regard to settlement of the CBD Plaintiffs' claim for attorneys' fees and costs. The terms of this
14 agreement shall become effective upon approval by the Court of this Stipulation.

15 IT IS HEREBY AGREED AND SO STIPULATED.

16 Dated: October 24, 2011

17 /s/ Charles R. Shockey
18 CHARLES R. SHOCKEY
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28 **Attorneys for Federal Defendants, BLM, et al.**

24 Dated: October 24, 2011

25 /s/ Lisa T. Belenky
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Dated: October 24, 2011

/s/ Deborah A. Sivas

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**Attorneys for Plaintiffs Center for Biological
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Environmental Responsibility, and Desert
Survivors**

IT IS SO ORDERED.



DATED: 10/24, 2011.

SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE