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16 Attorneys for Plaintiffs

17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **HOWARD McCONNELL, LEAF G.**  
 20 **HILLMAN, FRANKIE JOE MYERS,**  
 21 **TERANCE J. SUPAHAN, and**  
 22 **BLYTHE REIS,**  
 23 Plaintiffs,  
 24 v.  
 25 **PACIFICORP, INC.,** an Oregon Corporation;  
 26 Defendant.

Civil Case No.: CV 07-02382 WHA

**STIPULATION TO CONTINUE  
 HEARING DATE;  
 (proposed) ORDER**

**Date:** September 10, 2008  
**Time:** 8:00 a.m.  
**Place:** Courtroom 9, 19<sup>th</sup> Floor  
**Judge:** Hon. William H. Alsup  
**Trial Date:** December 1, 2008

1  
2 WHEREAS, counsel for Plaintiffs and PacifiCorp (the “Parties”) previously stipulated to set  
3 the hearings on the Motions for Summary Judgment filed by PacifiCorp for September 4, 2008;

4 WHEREAS, the Motion for Fees and Costs in this matter was also previously scheduled to be  
5 heard on September 4, 2008;

6 WHEREAS, the Court by way of Minute Order dated August 29, 2008 (docket no. 258)  
7 continued both the hearing on the Motions for Summary Judgment and the Motion for Fees and Costs  
8 until September 10, 2008, at 8:00 a.m.;

9 WHEREAS, the undersigned counsel for Plaintiffs is unable to attend the hearing(s) now set for  
10 September 10, 2008, owing to a conflict with a previously scheduled settlement meeting in *San*  
11 *Francisco Baykeeper v. County of San Mateo, et al.*, CV-08-3951 BZ, also set for September 10, 2008,  
12 which involves the attendance and participation of numerous persons, including counsel, clients, and  
13 also defendants’ Deputy County Counsel, County Engineer, County financial officers, and various  
14 county employees;

15 WHEREAS, the above settlement meeting has been canceled and postponed three times before,  
16 and to cancel it again will likely require a further postponement of between 60-90 days; and

17 WHEREAS, counsel for Plaintiffs and PacifiCorp have agreed to conduct the hearing on the  
18 Motion for Fees and Costs on September 10, 2008 at 8:00 a.m., as presently scheduled, but to continue  
19 the hearing on the Motions for Summary Judgment to September 17, 2008, the only day during the  
20 week of September 15, 2008 upon which all counsel for Plaintiffs and PacifiCorp are available;

21 NOW THEREFORE the Parties hereby stipulate: (1) that Plaintiffs will file a Response to  
22 PacifiCorp's Objections to Evidence Submitted in Opposition to Defendant's Motions for Summary  
23 Judgment at least five days prior to the hearing on the Motions for Summary Judgment, and neither  
24 Party will submit any further pleadings or evidence in connection with the Motions for Summary  
25 Judgment or Motion for Fees and Costs; and (2) to continue the hearing date on the Motion(s) for  
26 Summary Judgment from September 10, 2008 at 8:00 a.m. to September 17, 2008, while the Motion for  
27 Fees and Costs will still be heard on September 10, 2008 at 8:00 a.m., as presently scheduled.  
28

1 Date: September 5, 2008

Respectfully Submitted,

2 LAWYERS FOR CLEAN WATER, INC.

3  
4 /s/ \_\_\_\_\_  
5 Daniel Cooper  
6 Attorneys for Plaintiffs  
7 Howard McConnell, Leaf Hillman, Frankie Joe  
8 Myers, Terance Supahan, and Blythe Reis

9 LATHAM & WATKINS LLP

10  
11 /s/ \_\_\_\_\_  
12 Benjamin J. Horwitz  
13 Attorneys for Defendant  
14 PacifiCorp, Inc.

15  
16 **ORDER**

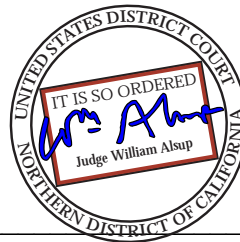
17 Having considered the facts and representations of counsel set forth in the above Stipulation,  
18 the Court hereby orders:

19 1. The hearing on the Motions for Fees and Costs shall be on September 10, 2008 at 8:00 a.m.  
20 in Courtroom 9, 19th Floor:

21 2. The hearing on the Motions for Summary Judgment shall be on September 17, 2008 at  
22 8:00 a.m. ~~p.m.~~ in Courtroom 9, 19th Floor.

23 **IT IS SO ORDERED**

24 Date: September 9, 2008



25  
26 \_\_\_\_\_  
27 Hon. William H. Alsup  
28 U.S. District Court Judge