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19	
20	UNITED STATES DISTRICT COURT
21	NORTHERN DISTRICT OF CALIFORNIA
22	SAN FRANCISCO DIVISION
23	CENTER FOR BIOLOGICAL)
24	DIVERSITY, a non-profit organization, No. C 07-4997 MHP
25	Plaintiff,) STIPULATION AND [PROPOSED]
26	v.) STIFULATION AND [FROPOSED] V.) ORDER REGARDING SCHEDULE FOR RESOLUTION OF FEE & COST
27	THE OFFICE OF MANAGEMENT AND) BUDGET, POR RESOLUTION OF FEE & COST REQUEST
28	Defendant.
28	

WHEREAS the parties previously stipulated, and the Court previously ordered, that "the parties shall submit for approval by the Court a proposed schedule to negotiate and, if necessary, brief the issues pertaining to the Center's request for fees and costs in this matter within five (5) court days after this Court has entered its order concerning Magistrate Judge Zimmerman's Report and Recommendation dated August 25, 2009 and amended September 9, 2009.";

WHEREAS the Court adopted Magistrate Judge Zimmerman's Report and Recommendation in its entirety; AND

WHEREAS the Court approved a stipulation setting the briefing schedule for the Center's request for fees and costs in this matter be set such that the Center's opening brief would be due January 15, 2010, Defendant's opposition would be due January 29, 2010, the Center's reply would be due February 16, 2009, and the Court would have a hearing on March 1, 2010 at 2:00 p.m.

The parties stipulate, subject to approval by the Court, that the deadline for the Center to file its opening brief is continued from January 15, 2010 to January 25, 2010 and the deadline for Defendant's opposition is continued from January 29, 2010 to February 5, 2010. The deadline for the reply brief and the hearing would remain unchanged. The parties have proposed this change in the briefing schedule to give them time to try to negotiate a resolution of Plaintiff's request for fees and costs.

Respectfully submitted,

DATED: January 5, 2010 By: /s/

VERA PARDEE
Attorneys for Plaintiff

JOSEPH P. RUSSONIELLO
United States Attorney

United States Attorney

DATED: January 5, 2010 By: ____/s/____

MICHAEL T. PYLE
Assistant United States Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED:

The deadline for the Center to file its opening brief is continued from January 15, 2010 to

January 25, 2010 and the deadline for Defendant's opposition is continued from January 29, 2010 to February 5, 2010. The deadline for the reply brief and the are additions the hearing remain as previously ordered by the Court pursuant to stipulation DATED: January <u>6</u>, 2010 United States I IT IS SO ORDERED Judge Marilyn H. Patel

STIPULATION AND [PROPOSED] ORDER RE SCHEDULING FEE AND COST REQUEST No. C 07-4997 MHP