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15  
 16 UNITED STATES DISTRICT COURT  
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 18 SAN FRANCISCO DIVISION

Civil Case No. C 08-00227 SC

19 ASSOCIATION OF IRRITATED  
 20 RESIDENTS, an unincorporated association,  
 and NATURAL RESOURCES DEFENSE  
 21 COUNCIL, INC.,

22 Plaintiffs,

23 v.

24 UNITED STATES ENVIRONMENTAL  
 PROTECTION AGENCY, STEPHEN L.  
 25 JOHNSON, in his official capacity as  
 Administrator of the United States  
 26 Environmental Protection Agency, and  
 WAYNE NASTRI, in his official capacity as  
 27 Regional Administrator for Region IX of the  
 United States Environmental Protection  
 28 Agency,

Defendants.

**STIPULATION TO THE ENTRY OF  
 AN ORDER EXTENDING TIME TO  
 FILE BILL OF COSTS AND  
 MOTION FOR ATTORNEYS' FEES**

1           WHEREAS, on January 14, 2008, the Association of Irrigated Residents and the Natural  
2 Resources Defense Council, Inc., (collectively, "AIR") filed the complaint in the above-  
3 captioned matter against the United States Environmental Protection Agency; Stephen L.  
4 Johnson, in his official capacity as Administrator of the United States Environmental Protection  
5 Agency; and Wayne Nastri, in his official capacity as Administrator for Region IX of the United  
6 States Environmental Protection Agency (collectively, "EPA" or "Defendants"), alleging that  
7 EPA has failed to undertake certain nondiscretionary duties under section 304(a)(2) of the Clean  
8 Air Act, 42 U.S.C. § 7604(a)(2);

9           WHEREAS, this Court entered a Consent Decree on September 12, 2008 (Document  
10 #21);

11           WHEREAS, paragraph 12 of the Consent Decree allows AIR to file a bill of costs  
12 pursuant to Local Rule 54-1 and a motion for costs of litigation, including reasonable attorneys'  
13 fees, pursuant to 42 U.S.C. § 7604(d) and Local Rule 54-6, within 60 days after entry of the  
14 Consent Decree;

15           WHEREAS, AIR and EPA have made significant progress towards settling the amount of  
16 costs and attorneys' fees and require additional time to complete a settlement prior to the  
17 November 11, 2008 deadline for AIR to file a bill of costs and motion for attorneys' fees;

18           WHEREAS, AIR and EPA seek to conserve litigant and judicial resources and believe  
19 that a 45-day extension will allow the parties to resolve costs and fees without placing a burden  
20 on the Court;

21           NOW THEREFORE, pursuant to Local Rules 6-2 and 7-12, the parties, by and through  
22 their undersigned counsel, hereby stipulate to the entry of an order that:

23           1.       Continues the deadline for AIR to file a bill of costs pursuant to Local Rule 54-1  
24 and a motion for costs of litigation, including reasonable attorneys' fees, pursuant to Local Rule  
25 54-6, for an additional 45 days from November 11, 2008 to December 26, 2008.

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1 **COUNSEL FOR PLAINTIFFS:**

2  
3 Dated: October 30, 2008

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8 Dated: October 30, 2008

/s/ Adriano Martinez  
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14 **COUNSEL FOR DEFENDANTS:**

15 Dated: October 30, 2008

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/s/ Rochelle L. Russell  
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24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 Dated: October 31, 2008

26 Hon. Samuel Conti  
27 Senior Judge  
28 United States District Court

