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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN
 14 FRANCISCO CHAPTER, et al.,

No. C 08-5137 RS

15 Plaintiffs,

**STIPULATION TO EXTEND TIME
 TO FILE BILL OF COSTS AND/OR
 MOTION FOR ATTORNEY'S FEES;
 AND [~~PROPOSED~~] ORDER**

16 v.

17 U.S. DEPARTMENT OF HOMELAND
 18 SECURITY, et al.,

Defendants.
 19 _____ /

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 21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. Beginning in April 2009, the parties entered into a series of stipulations to stay
 23 proceedings to allow Defendants to conduct secondary searches and process potentially responsive
 24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
 25 Court's intervention. As a result of those negotiations, in October 2009, the parties filed a
 26 stipulation of dismissal of this action with prejudice under Rule 41(a)(1)(A)(ii) with respect to
 27 Defendants DHS, DHS-OIG, and CIS. After further negotiations resolved all remaining merits
 28 issues, on June 29, 2011, the parties filed a stipulation of dismissal of this action with prejudice

1 under Rule 41(a)(1)(A)(ii) with respect to all remaining Defendants. At that time, the parties had
2 begun to discuss whether an award of fees and costs was appropriate in this case. On June 30, 2011,
3 the Court approved the parties' stipulation to extend the deadline for Plaintiffs to file any bill of
4 costs and/or motion for attorney's fees by approximately three months, to September 30, 2011, to
5 permit those negotiations to continue; and

6 2. The parties continue to actively discuss whether an award of attorney's fees and costs
7 is appropriate and, to that end, have exchanged a series of proposals to resolve the issue without the
8 Court's intervention. While Defendants do not concede that Plaintiffs are entitled to recover any
9 fees or costs in this case, and reserve all rights to oppose any bill of costs or motion for attorney's
10 fees, they are carefully considering this issue. Although further negotiation may eliminate the need
11 for judicial resolution of any dispute over fees or costs, the parties anticipate that it will take several
12 months for their negotiations to conclude; and

13 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the
14 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

15 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
16 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
17 bill of costs and/or motion for attorney's fees shall be extended by approximately two months, to
18 November 30, 2011, notwithstanding any local rule to the contrary.

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1 Dated: September 28, 2011

2 Respectfully submitted,

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Attorneys for Plaintiffs

19 **SIGNATURE ATTESTATION**

20 In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's
21 concurrence in the filing of this document.

/s/ Eric B. Beckenhauer
ERIC B. BECKENHAUER

22 **~~PROPOSED~~ ORDER**

23 Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any
24 bill of costs and/or motion for attorney's fees shall be extended to November 30, 2011,
25 notwithstanding any local rule to the contrary.

26 **SO ORDERED.**

27 Dated: 9/29/11


28 RICHARD SEEBORG
United States District Judge