

E-Filed 11/29/11

1 JARED L. KOPEL, State Bar No. 126817
 jkopel@wsgr.com
 2 LISA A. DAVIS, State Bar No. 179854
 ldavis@wsgr.com
 3 DOMINIQUE-CHANTALE ALEPIN, State Bar No. 241648
 dalepin@wsgr.com
 4 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation
 5 650 Page Mill Road
 Palo Alto, CA 94304-1050
 6 Tel: (650) 493-9300
 Fax: (650) 565-5100

7 Attorneys for Plaintiffs

8
 9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

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

No. C 08-5137 RS

14 Plaintiffs,

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

15 v.

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

18 Defendants.

19
 20
 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,
3 2011, the Court approved the parties' stipulation to extend the deadline for Plaintiffs to file any bill
4 of costs and/or motion for attorney's fees by approximately three months, to September 30, 2011, to
5 permit those negotiations to continue. On September 29, the Court approved the parties' stipulation
6 to extend the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees by
7 approximately two months, to November 30, 2011, to permit those negotiations to continue.

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

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

17 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
18 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
19 bill of costs and/or motion for attorney's fees shall be extended by approximately two months, to
20 January 30, 2012, notwithstanding any local rule to the contrary.

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Dated: November 28, 2011

2 Respectfully submitted,

3 JARED L. KOPEL

TONY WEST

Assistant Attorney General

4 DOMINIQUE-CHANTALE ALEPIN

JOHN R. TYLER

Assistant Branch Director

5 /s/ Lisa A. Davis

LISA A. DAVIS

6 WILSON SONSINI GOODRICH &
ROSATI

/s/ Eric B. Beckenhauer

ERIC B. BECKENHAUER, CSBN 237526

7 Professional Corporation

Trial Attorney

650 Page Mill Road

U.S. Department of Justice

8 Palo Alto, CA 94304-1050

Civil Division, Federal Programs Branch

9 Tel: (650) 493-9300

20 Massachusetts Ave. NW

10 Fax: (650) 565-5100

Washington, DC 20530

11 JAYASHRI SRIKANTIAH

Telephone: (202) 514-3338

IMMIGRANTS' RIGHTS CLINIC

Facsimile: (202) 616-8470

12 STANFORD LAW SCHOOL

E-mail: eric.beckenhauer@usdoj.gov

559 Nathan Abbott Way

Attorneys for Defendants

13 Stanford, CA 94305

Tel: (650) 724-2442

14 Fax: (650) 723-4426

15 LINTON JOAQUIN

KAREN TUMLIN

16 NATIONAL IMMIGRATION

LAW CENTER

3435 Wilshire Boulevard, Suite 2850

Los Angeles, CA 90010

17 Tel: (213) 639-3900

18 Fax: (213) 639-3911

Attorneys for Plaintiffs

20 **SIGNATURE ATTESTATION**

21 In accordance with General Order 45(X), I hereby attest that I have obtained

22 Eric B. Beckenhauer's concurrence in the filing of this document.

24 /s/ Lisa A. Davis

25 LISA A. DAVIS

1 **[PROPOSED] ORDER**

2 Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any
3 bill of costs and/or motion for attorney's fees shall be extended to January 30, 2012,
4 notwithstanding any local rule to the contrary.

5
6 Dated: 11/29/11



7 RICHARD SEEBORG
8 United States District Judge