

1 David A. Bahr (Oregon Bar No. 90199)  
 2 Bahr Law Offices, P.C.  
 3 1035 ½ Monroe Street  
 4 Eugene, OR 97402  
 (541) 556-6439  
[davebahr@mindspring.com](mailto:davebahr@mindspring.com)

5 Elena Saxonhouse (California Bar. No. 235139)  
 6 Sierra Club Environmental Law Program  
 7 85 Second St., 2nd Floor  
 8 San Francisco, CA 94105  
 (415) 977-5765  
 (415) 977-5793 (facsimile)  
[Elena.Saxonhouse@Sierraclub.org](mailto:Elena.Saxonhouse@Sierraclub.org)

9 *Attorneys for Plaintiffs*

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

14 **THE SIERRA CLUB and ENVIRONMENTAL**  
 15 **INTEGRITY PROJECT,**

16 Plaintiffs,

17 vs.

18 **UNITED STATES ENVIRONMENTAL**  
 19 **PROTECTION AGENCY,**

20 Defendant.

Case No. C-11-0846-MEJ

**PLAINTIFFS' UNOPPOSED MOTION TO**  
**EXTEND THE DEADLINE FOR**  
**ATTORNEY FEE PETITION AND COST**  
**BILL; DECLARATION OF COUNSEL;**  
**[PROPOSED] ORDER**

21 Plaintiffs hereby move this Court for an order extending the bill of costs and attorney fee petition  
 22 deadlines by 21 days. An order granting the parties' stipulated dismissal of all claims in this action, ex-  
 23 cept plaintiffs' claims for costs and attorneys' fees, was entered March 3, 2014 (dkt. # 72), establishing  
 24 the deadlines for both the bill of costs and fee petition as March 20, 2014. *See* L.R. 54-1(a), L.R. 54-5(a)  
 25 and F.R.Civ.P. 54(d). Subsequently, on March 12, 2014, the parties filed a Stipulation Extending Time  
 26 For Plaintiffs To File Petition For Costs And Attorney Fees. (Dkt. # 73). Later that same day, the Court  
 27 granted the stipulation and extended until May 19, 2014, the deadlines for both the bill of costs and fee  
 28

1 petition. (Dkt. # 74).

2 Plaintiffs now move for an enlargement of time until June 9, 2014, in which to file attorney fee  
3 petition and cost bill. This motion is supported by the Declaration of Counsel incorporated into this  
4 document. *Infra*.

5 A district court's decision regarding an extension of time lies well within its discretion. *United*  
6 *States ex rel. Hawaiian Rock Prods. Corp. v. A.E. Lopez Enters.*, 74 F.3d 972, 976 (9<sup>th</sup> Cir.1996) (estab-  
7 lishing that such a decision will not be disturbed absent an abuse of discretion).  
8

9 For the following reasons, the Plaintiffs assert good cause exists to grant this request for an en-  
10 largement of time.

11 **1.** On May 7, 2014, the undersigned counsel's mother suffered a medical emergency that  
12 appears to be a heart attack. She is currently in the Intensive Care Unit of West Valley Hospital  
13 in Goodyear, Arizona. The undersigned is planning on going to Arizona to be with his mother  
14 soon and will probably stay to help her whenever she is released from the hospital. Because of  
15 the rapidly developing nature of these events, the undersigned is not sure how long he will be re-  
16 quired to stay in Arizona to assist with his mother's recovery. In addition to providing care and  
17 support for his mother's recuperation, the undersigned will also substitute for his mother's role  
18 as a caregiver for his niece and nephew (ages four and six, respectively) while his mother regains  
19 her faculties. The time Plaintiffs' counsel spends assisting his mother's recovery will interfere  
20 with his ability to develop and complete Plaintiffs' petition for attorney fees and costs.  
21

22 **2.** This request will not unreasonably delay final disposition of this case. The case  
23 has already been dismissed pursuant to a negotiated settlement agreement via the stipu-  
24 lated dismissed mentioned above. Dkt. # 72.  
25

26 **3.** No party will be disadvantaged by this enlargement of time. If this motion is  
27 granted, delay in resolution of the cost and attorney fee issue will not materially prejudice  
28

1 the resolution of substantive issues for any of the parties to this case.

2 **4.** This is Plaintiffs' second request for an enlargement of time to resolve the issues  
3 of costs and attorney fees in this case.

4 **5.** This request for enlargement is made in good faith and for no improper purpose.

5 **6.** On May 8, 2014, undersigned counsel conferred by email and phone message  
6 with Defendant's counsel regarding this motion. On May 8, 2014, Defendant notified the  
7 undersigned counsel that it does not oppose this request.  
8

9 WHEREFORE, Plaintiffs respectfully requests the Court to enlarge Plaintiffs' time to file their  
10 attorney fee petition and cost bill until June 9, 2014.

11 Respectfully submitted for the Court's consideration, this 9<sup>th</sup> day of May, 2014.  
12

13 s/ David Bahr

14 David Bahr (Oregon Bar No. 901990)

15 Bahr Law Offices, P.C.

16 1035 ½ Monroe Street

17 Eugene, OR 97402

18 (541) 556-6439

19 [davebahr@mindspring.com](mailto:davebahr@mindspring.com)

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20 **DECLARATION OF COUNSEL**

21 **1.** My name is David Bahr. I am plaintiffs' lead counsel in this case. This declaration is based on  
22 my personal knowledge and experience.

23 **2.** On May 7, 2014, the undersigned counsel's mother suffered a medical emergency that appears to  
24 be a heart attack. She is currently in the Intensive Care Unit of West Valley Hospital in Goodyear, Ari-  
25 zona. I am planning on going to Arizona to be with my mother soon and will probably stay to help her  
26 whenever she is released from the hospital. Because of the rapidly developing nature of these events, I  
27  
28

1 am not sure how long I will be required to stay in Arizona to assist with my mother's recovery. In addi-  
2 tion to providing care and support for my mother's recuperation, I will also substitute for my mother's  
3 role as a caregiver for my niece and nephew (ages four and six, respectively) while my mother regains  
4 her facilities. The time I spend assisting my mother's recovery will interfere with my ability to develop  
5 and complete Plaintiffs' petition for attorney fees and costs.  
6

7 **3.** This is Plaintiffs' second request for an enlargement of time to resolve the issues of costs  
8 and attorney fees in this case.

9 **4.** This request for enlargement is made in good faith and for no improper purpose.

10 **5.** On May 8, 2014, I conferred by email and phone message with Defendants' counsel re-  
11 garding this motion. On May 8, 2014, Defendants notified me, through its counsel, that it does  
12 not oppose this request.  
13

14 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
15 and correct.

16 Executed this 9<sup>th</sup> day of May, 2014, in Eugene, Oregon.

17 s/ David Bahr

18 David Bahr (Oregon Bar No. 901990)

19 Bahr Law Offices, P.C.

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21 Eugene, OR 97402

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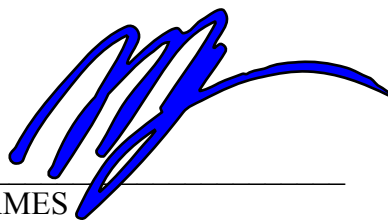
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1 ~~PROPOSED~~ ORDER

2 This Court, having considered Plaintiffs' unopposed motion to extend the deadline for attorney  
3 fee petition and cost bill, and after considering the moving papers, arguments of counsel, and all other  
4 matters presented to the Court, HEREBY FINDS AND ORDERS THAT:

5  
6 Plaintiffs' attorney fee petition and cost bill shall be due no later than June 9, 2014.

7  
8 **IT IS SO ORDERED**, this 9<sup>th</sup> day of May, 2014.

9  
10  
11 

12 \_\_\_\_\_  
13 MARIA-ELENA JAMES  
14 Chief United States Magistrate Judge