

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHIA ASSOCIATION OF BAY AREA, et al.,)	Case No. 11-1369 SC
)	
)	ORDER DENYING STIPULATION AND
)	<u>MOTION FOR ATTORNEY FEES</u>
Plaintiffs,)	
)	
v.)	
)	
UNITED STATES OF AMERICA, et)	
al.,)	
)	
Defendants.)	
)	
)	

Now before the court is Plaintiffs' motion for attorney fees. ECF No. 35 ("Mot."). The Motion has been pending before this Court since May 2012 and Defendants have yet to file an opposition. The parties recently filed a stipulation, requesting additional time to resolve the motion. ECF No. 37 ("Stip."). The parties represent that they have been engaged in discussions regarding settlement of this matter and request that they have until February 2013 to file a settlement agreement with the Court. Id. It is unclear why the parties require over nine months to settle an attorney fees motion. Accordingly, the Stipulation is DENIED. Additionally, the Court DENIES Plaintiffs' motion for attorney fees WITHOUT PREJUDICE.

1 Plaintiffs shall re-file their motion or submit a stipulation
2 regarding attorney fees within thirty (30) days of this Order.
3 Failure to do so shall constitute a waiver of Plaintiffs' right to
4 seek attorney fees in this matter. If Plaintiffs elect to re-file
5 their motion, it shall be submitted on the papers and shall be
6 briefed in accordance with the time limits set forth in the Civil
7 Local Rules. Defendants' failure to file a timely opposition to
8 the motion may result in the award of attorney fees.

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10 IT IS SO ORDERED.

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12 Dated: December 12, 2012



UNITED STATES DISTRICT JUDGE

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