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 17 IN THE UNITED STATES DISTRICT COURT
 18 THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

21 PUBLIC.RESOURCE.ORG., a California non-)	Case No. 13-cv-02789 WHO
profit organization,)	
)	PLAINTIFF’S MOTION FOR
22 Plaintiff,)	EXTENSION OF TIME TO MOVE TO
)	RECOVER ATTORNEYS’ FEES AND
23 v.)	COSTS
)	
24 UNITED STATES INTERNAL REVENUE)	[Local Rule 6-3]
25 SERVICE,)	
)	[Declaration of Thomas R. Burke and
26 Defendant.)	[Proposed] Order concurrently submitted]

27 Pursuant to Local Rule 6-3, Plaintiff Public.Resource.Org (“Public.Resource”) respectfully
 28 requests that this Court once again extend its deadline to file a motion to recover its attorneys’ fees

1 and costs from the current deadline of June 5, 2015, until August 4, 2015. This extension is
2 necessary because the parties require additional time to determine if they can resolve the fee issue
3 informally without requiring motion practice.

4 This Court granted Public.Resource's Motion for Summary Judgment and entered
5 Judgment in its favor on January 29, 2015. *See* Dkt. ## 62-63. Public.Resource's counsel
6 promptly reached out to counsel for Defendant United States Internal Revenue Service ("IRS")
7 that same day to inform the IRS that Public.Resource intended to move to recover its attorneys'
8 fees and costs pursuant to 5 U.S.C. § 552(a)(4)(E). *See* Declaration of Thomas R. Burke ¶ 3.
9 Counsel for the IRS indicated that the government would consider an informal resolution of the
10 fee issue, but that it did not yet have an answer. *Id.* Since that time, although Public.Resource's
11 counsel have even provided the IRS with detailed information about its fees and costs in order to
12 facilitate a resolution, the IRS has not stated its position regarding the fees request. *Id.* ¶ 6. As of
13 May 28, 2015, the IRS has indicated that it is still considering agreeing to an informal resolution
14 of Public.Resource's fee request, but it still does not yet have an answer. *Id.* ¶ 8.

15 This Court has previously granted four stipulations extending Public.Resource's deadline
16 to file a fee motion, and the current deadline is June 5, 2015. *See* Dkt. ## 66, 68, 72, 79.¹
17 Public.Resource believes that in light of the IRS' position, a further extension of 60 days is
18 required in order to determine if the fee issue can be resolved without Public.Resource having to
19 file a motion. *See* Burke Decl. ¶ 9. However, the IRS' counsel has indicated that the individual
20 whose approval is needed to stipulate to a further extension is unavailable until June 1, 2015. *Id.* ¶
21 8. Because it is currently facing a June 5, 2015 deadline to file its fee motion, Public.Resource is
22 unable to wait for the IRS to agree to another stipulation in order to seek an extension, and in an
23 abundance of caution, it is bringing this Motion pursuant to Local Rule 6-3. *Id.* ¶ 9.

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28 ¹ The Court has also extended the IRS' deadline to produce the records at issue in this
litigation, and the IRS has moved for a further stay of this deadline. *See* Dkt. ## 72, 80.

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For all of these reasons, Public.Resource respectfully requests that the Court extend its deadline to file a motion to recover its attorneys' fees and costs from the current deadline of June 5, 2015, until August 4, 2015.

DATED this 28th day of March, 2015.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke
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