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

11	CENTER FOR BIOLOGICAL DIVERSITY, et al.,)	Case No.: 3:15-cv-05754-JST
12	Plaintiffs,)	STIPULATED REQUEST TO EXTEND TIME TO FILE MOTION FOR ATTORNEYS' FEES
13	vs.)	
14	U.S. FISH & WILDLIFE SERVICE, et al.,)	
15	Defendants,)	and
16	and)	[PROPOSED] ORDER
17	SISKIYOU COUNTY, et al.,)	(Civ. L.R. 6-2)
18	Defendant Intervenors.)	

19
 20 WHEREAS, the parties anticipate that the Court will enter judgment pursuant to Federal
 21 Rule of Civil Procedure 58 in the above-entitled case in accordance with the Court's March 28,
 22 2017, Order re: Summary Judgment (ECF Doc. 64) and May 3, 2017, Stipulated Order Regarding
 23 Remedy (ECF Doc. 71);

24 WHEREAS, section 11(g)(4) of the Endangered Species Act, 16 U.S.C. § 1540(g)(4),
 25 provides that the Court "may award costs of litigation (including reasonable attorney and expert
 26 witness fees) to any party, whenever the court determines such award is appropriate;"

27 WHEREAS, consistent with Federal Rule of Civil Procedure 54(d)(2)(B)(i), Civil Local Rule
 28 54-5(a) provides, "[u]nless otherwise ordered by the Court after a stipulation to enlarge time under

1 Civil L.R. 6-2 . . . motions for awards of attorney’s fees by the Court must be served and filed within
2 14 days of entry of judgment by the District Court;”

3 WHEREAS, upon entry of judgment, Plaintiffs and Federal Defendants wish to meet and
4 confer in an attempt to resolve any claim for reasonable attorneys’ fees incurred in connection with
5 this litigation without further expenditure of judicial resources;

6 WHEREAS, if Federal Defendants or Defendant-Intervenors elect to file an appeal in this
7 case, the parties agree that any claim for reasonable attorneys’ fees should be resolved after the
8 conclusion of any and all appeals in this case;

9 WHEREAS, if Federal Defendants and Defendant-Intervenors do not pursue an appeal, the
10 parties anticipate that it will take at least 60 days after the deadline to appeal has expired to complete
11 their negotiations regarding any claim for reasonable attorneys’ fees, and, if an agreement in
12 principle is reached, to draft settlement documents and obtain the necessary approvals from officials
13 within the Department of Interior and the Department of Justice;

14 WHEREAS, the parties have not sought any prior modifications of any post-judgment
15 deadlines in this case;

16 NOW THEREFORE, the parties, by and through their undersigned counsel of record, hereby
17 stipulate and request that the deadline to file a motion for an award of attorneys’ fees under 16
18 U.S.C. § 1540(g)(4) be extended until either: (1) 120 days after the Court’s entry of judgment,
19 provided no party files a timely notice of appeal; or (2) 60 days after the conclusion of any and all
20 appeals, whichever is later.

21 Respectfully submitted,

22 STACEY P. GEIS (CA Bar No. 181444)
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24 Dated: May 11, 2017

25 /s/ Gregory C. Loarie
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5 Dated: May 11, 2017

6 /s/ Nicole M. Smith
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15 *Attorneys for Federal Defendants*

16 Dated: May 11, 2017

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29 **~~PROPOSED~~ ORDER**

30 Pursuant to stipulation, IT IS SO ORDERED. Any motion for an award of attorneys' fees
31 incurred in this case under 16 U.S.C. § 1540(g)(4) shall be filed either: (1) 120 days after the
32 Court's entry of judgment, provided no party files a timely notice of appeal; or (2) 60 days after the
33 conclusion of any and all appeals, whichever is later.

34 Dated: May 12, 2017

35 
36 Hon. Jon S. Tigar
37 United States District Court Judge