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9 Attorneys for Federal Defendants

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

11 SAN FRANCISCO DIVISION

12	DEFENDERS OF WILDLIFE, et al.,)	
13	Plaintiffs,	)	Case No. C-04-4512-PJH
14	and	)	STIPULATION AND [PROPOSED]
15	PEOPLE OF STATE OF CALIFORNIA, ex rel.	)	ORDER FOR EXTENSION OF TIME FOR
16	Plaintiff Intervenor,	)	FEDERAL DEFENDANTS' RESPONSE
17	v.	)	TO PLAINTIFFS' AUGUST 27, 2008
18	MIKE JOHANNNS, et al.,	)	"AMENDED CONSOLIDATED MOTION
19	Federal Defendants,	)	FOR ATTORNEYS' FEES, COSTS, AND
20	and	)	OTHER EXPENSES, & BRIEF IN
21	AMERICAN FOREST & PAPER ASSN., et al.,	)	SUPPORT THEREOF," DKT. NO. 136
22	Defendant-Intervenors.	)	[AND DKT. NO. 112 IN C-05-1144-PJH]
23		)	(FIRST REQUEST)
24)	
25		)	Date: November 1, 2006
26		)	Time: 9:00 a.m.
27		)	Judge: The Honorable Phyllis J. Hamilton

28	CITIZENS FOR BETTER FORESTRY, et al.,	)	Case No. C-05-1144-PJH
29	Plaintiffs,)	
30	v.)	
31	U.S. DEPT. OF AGRICULTURE, et al.,)	
32	Federal Defendants,)	
33	and)	

1 AMERICAN FOREST & PAPER ASSN., et al.,)
2 Defendant-Intervenors.)
3

4 By and through undersigned counsel of record, Federal Defendants respectfully request a one-
5 week extension of time to file a response to Plaintiffs' August 27, 2008 "Amended Consolidated
6 Motion for Attorneys' Fees, Costs, and Other Expenses, & Brief in Support Thereof," Dkt. No. 136 in
7 C-04-4512-PJH and Dkt. No. 112 in C-05-1144-PJH. As grounds for this request, Federal
8 Defendants state as follows:

9 1. Pursuant to the Court's "Order Setting Briefing Schedule on Plaintiffs' Motions for
10 Attorneys' Fees," Dkt. No. 133 in C-04-4512-PJH and Dkt. No. 110 in C-05-1144-PJH, Federal
11 Defendants' response to Plaintiffs' August 27, 2008 Consolidated Motion is currently due on
12 September 24, 2008.

13 2. Plaintiffs' August 27, 2008 Consolidated Motion seeks \$190,420.18 in attorneys' fees,
14 costs, and expenses for the Plaintiffs in Citizens and \$513,097.42 in attorneys' fees, costs, and
15 expenses for the Plaintiffs in Defenders. Plaintiffs' Motion was accompanied with a 22-page brief
16 raising numerous factual and legal arguments, as well as 30 supporting declarations (22 in Citizens and
17 8 in Defenders) and extensive billing records in both cases.

18 3. While undersigned counsel has been working as diligently as possible on reviewing
19 Plaintiffs' Motion and supporting materials and preparing Federal Defendants' response, much of his
20 time (including weekends) since the filing of Plaintiffs' Motion has been consumed with other litigation
21 matters. Most notably, undersigned counsel is lead counsel and has had to address numerous filings in
22 Sancho v. U.S. Department of Energy, Civil No. 08-00136-HG-KSC (D. Haw.), in which *pro se*
23 Plaintiffs challenge the United States' involvement in the Large Hadron Collider in Europe (and allege
24 that the collision of atoms to study subatomic particles may result in a microscopic "black hole" that
25 could destroy the planet). Plaintiffs' filings over the past month in Sancho have included several detailed
26 and highly technical declarations, as well as a motion for preliminary injunction and other papers filed on
27 September 19, 2008. During this period, undersigned counsel has had to take several days off to travel

1 to Hawaii for a hearing and has had to file several responsive papers. Undersigned counsel also has
2 had to take days off from working because of illness.

3 4. Plaintiffs, through counsel of record, have been consulted and do not oppose Federal
4 Defendants' request for a one-week extension to respond to Plaintiffs' August 27, 2008 Consolidated
5 Motion.

6 BASED ON THE FOREGOING Federal Defendants and Plaintiffs in the above-captioned
7 matters hereby stipulate and agree to, and respectfully request, the following modifications to the
8 Court's "Order Setting Briefing Schedule on Plaintiffs' Motions for Attorneys' Fees," Dkt. No. 133 in
9 C-04-4512-PJH and Dkt. No. 110 in C-05-1144-PJH:

- 10 1. Federal Defendants' opposition to Plaintiffs' August 27, 2008 Consolidated Motion is
11 due October 1, 2008 (instead of September 24, 2008).
12 2. Plaintiffs' reply is due October 16, 2008 (instead of October 9, 2008).

13 Dated this 22th day of September, 2008. Respectfully submitted,
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15 ATTORNEYS FOR FEDERAL DEFENDANTS:

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18 /s/ Andrew A. Smith
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Pursuant to the Stipulation, IT IS SO ORDERED.

Dated: 9/25/08

