1	DENNIS J. HERRERA, State Bar #139669				
2	City Attorney CHERYL ADAMS, State Bar #164194				
	Chief Trial Deputy				
3	KAREN E. KIRBY, State Bar #146432 Deputy City Attorney				
4	Fox Plaza 1390 Market Street, 6th Floor				
5	San Francisco, California 94102-5408				
6	Telephone: (415) 554-3891 Facsimile: (415) 554-3837				
	E-Mail: karen.kirby@sfgov.org				
7					
8	Attorneys for Defendant CITY AND COUNTY OF SAN FRANCISCO				
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10					
11	UNITED STATE	S DISTRICT COURT			
12	NORTHERN DISTR	RICT OF CALIFORNIA			
13	JOHN F. CHAMPAGNE and GARY A. CHAMPAGNE,	Case No. C06-05425 JSW			
14	Plaintiffs,				
15	Trantins,				
16	VS.	ADMINISTRATIVE MOTION AND STIPULATION FOR ORDER TO SET ASIDE			
	CITY AND COUNTY OF SAN	ORDER AND ABSTRACT OF JUDGMENT			
17	FRANCISCO, et al.,	AND ORDER THEREON			
18	Defendants.				
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Pursuant to Local Rule 7-11, and based on the stipulation of the parties, Defendant, the City and County of San Francisco, hereby move this court, pursuant to Rule 60(b), for an Order setting aside the Order entered in this action on October 15, 2008 awarding attorney fees to defendant City and County of San Francisco in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty Cents) and the accompanying abstract of judgment entered on December 26, 2008.

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1	Pursuant to the Federal Rules of Civil Procedure Rule 60(b), the court may relieve a party from
2	a final judgment, order, or proceeding for any other reason, not specifically enumerated, that justifies
3	relief. Relief should be granted from the original judgment in accordance with the United States Court
4	of Appeals for the Ninth Circuit order entered on October 6, 2010.
5	
6	DATED: September 24, 2015

7		DEN	NIS J. HERRERA	
8		•	Attorney RYL ADAMS	
9		Chief	f Trial Deputy	
10			EN E. KIRBY stant Chief Trial Deputy	
		Bv: /s/	/ Karen E. Kirby	
11			EN E. KIRBY	
12			neys for Defendant	
13		CITY	AND COUNTY OF SAN	FRANCISCO
14				
15		STIPULATIO	N OF COUNSEL	
16	THE UNDERSIGNED COUNSEL HEREBY STIPULATE:			
17	1)	On October 15, 2008 the United Sta	ates District Court for the N	orthern District of
18	California issued an order granting Defendants' motion for attorneys' fees in the amount of			
19	\$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars and Fifty			
20	Cents).			
21	2)	On December 26, 2008 the Court is	ssued an Abstract of Judgme	nt in the amount of
22	\$153,867.50) (One Hundred Fifty Three Thousand,	, Eight Hundred Sixty Sever	Dollars and Fifty
23	Cents).			
24	3)	On October 6, 2010, the United Sta	ttes Court of Appeals for the	Ninth Circuit reversed
25	the Defenda	nts' award of attorneys' fees.		
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27	///			
28	///			
		on and Stipulation to Set Aside Order and udgment; C06-05425 JSW	2	n:\lit\li2015\070361\01049694.

1	4) The parties agree that the judgment for attorney's fees issued on October 15, 2008 in			
2	the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven Dollars			
3	and Fifty Cents) should be vacated.			
4	IT IS SO STIPULATED.			
5	DATED: September 24, 2015			
6	DENNIS J. HERRERA			
7	City Attorney CHERYL ADAMS			
8	Chief Trial Deputy KAREN E. KIRBY			
9	Assistant Chief Trial Deputy			
10	By: <u>/s/ Karen E. Kirby</u> KAREN E. KIRBY			
11				
12	Attorneys for Defendant CITY AND COUNTY OF SAN FRANCISCO			
13	DATED Sentember 24, 2015			
14	DATED: September 24, 2015			
15	TAXMAN WAKEFORD			
16	By: <u>/s/ Steven B. Taxman</u> STEVEN B. TAXMAN			
17	Attorneys for Plaintiffs			
18	JOHN F. CHAMPAGNE and GARY A. CHAMPAGNE			
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	Admin Motion and Stipulation to Set Aside Order and Abstract of Judgment; C06-05425 JSW 3 n:\lit\li2015\070361\01049694.doc			

1	PROPOSED ORDER		
2	The October 15, 2008 Order awarding attorney fees against plaintiffs JOHN F. CHAMPAGNE		
3	and GARY A. CHAMPAGNE in the amount of \$153,867.50 (One Hundred Fifty Three Thousand,		
4	Eight Hundred Sixty Seven Dollars and Fifty Cents) and the Abstract of Judgment dated December 26,		
5	2008 in the amount of \$153,867.50 (One Hundred Fifty Three Thousand, Eight Hundred Sixty Seven		
6	Dollars and Fifty Cents) are hereby VACATED.		
7	BASED ON THE STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO		
8	ORDERED.		
9			
10	DATED: September 30, 2015		
11	Jettrey Stohits		
12	THE HONOVAULT JEFFREY S. WHITE		
13	UNITED STATES DISTRICT COURT JUDGE		
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	Admin Motion and Stipulation to Set Aside Order and4n:\lit\li2015\070361\01049694.docAbstract of Judgment; C06-05425 JSW41		