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9 Attorneys for Federal Defendants

10 UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

13 CITIZENS FOR BETTER FORESTRY, *et al.*, )  
 )  
 14 Plaintiffs, )  
 )  
 15 vs. )  
 )  
 16 U.S. DEPT OF AGRICULTURE, *et al.*, )  
 )  
 17 Defendants. )

Case No. C 08-1927 CW

**PARTIES' THIRD STIPULATION AND  
 ORDER TO STAY BRIEFING TO  
 ALLOW SETTLEMENT DISCUSSIONS**

18

19 DEFENDERS OF WILDLIFE, *et al.*, )  
 )  
 20 Plaintiffs, )  
 )  
 21 vs. )  
 )  
 22 ED SCHAFER, *et al.*, )  
 )  
 23 Defendants. )

1 To facilitate settlement discussions regarding the motion for attorneys' fees and costs filed by  
2 Plaintiffs Citizens for Better Forestry, *et al.*, ("Citizens") in this case, Citizens and Defendants the U.S.  
3 Department of Agriculture, *et al.*, ("USDA"), hereby stipulate to and respectfully request that the Court  
4 enter an order further staying briefing on Citizens' motion for attorneys' fees and costs until December 8,  
5 2009. In support of this motion, Citizens and USDA stipulate as follows:

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7 1. On September 24, 2009, Citizens filed a motion for an award of attorneys' fees, costs and other  
8 expenses in this case. See Dkt. No. 72. Citizens' motion will be supplemented as appropriate to account  
9 for any future litigation in this case.

10 2. On October 5, 2009, the Court granted the parties' first stipulation to stay briefing for 45 days to  
11 allow settlement discussions regarding Citizens' motion for attorneys' fees and costs. See Dkt. No. 77.  
12 Pursuant to the Court's October 5, 2009 Order, the stay of briefing extended until November 19, 2009.  
13 On November 19, 2009, the parties filed their second stipulation to extend the stay on briefing until  
14 November 25, 2009. See Dkt. No. 78. On November 24, 2009, the Court granted the second stipulation  
15 to stay briefing until November 25, 2009. See Dkt. No. 79.

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17 3. Citizens and USDA agree that briefing and argument on Citizens' claim for attorneys' fees, costs,  
18 and other expenses may be unnecessary in light of the parties' intent to attempt to settle this issue.  
19 Citizens and USDA agree that the parties need additional time beyond November 25, 2009 in order to  
20 conduct negotiations regarding Citizens' claim for attorneys' fees, costs, and other expenses.

21 4. Accordingly, Citizens and USDA agree that further proceedings on Citizens' motion for an  
22 award of attorneys' fees, costs, and other expenses, including the filing of memoranda and evidentiary  
23 and other materials supporting that motion, should be further stayed until December 8, 2009. At that  
24 time, Citizens and USDA will either jointly propose a briefing schedule to address Citizens' motion for  
25 attorneys' fees, costs, and other expenses, or the parties shall apprise the Court of the status of Citizens'  
26 motion and any request for action by the Court.  
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