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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 (consolidated)

**PARTIES' SECOND 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.)

Case No. 08-2326 CW

1 To facilitate settlement discussions regarding plaintiffs' claim for attorneys' fees and costs in
2 this case, plaintiffs Defenders of Wildlife, *et al.*, ("DOW") and defendants Ed Schafer, *et al.*,
3 ("Defendants"), hereby stipulate to and respectfully request that the Court enter an order further staying
4 briefing on DOW's motion for attorneys' fees and costs until December 9, 2009. In support of this
5 motion, DOW and Defendants stipulate as follows:

7 1. On September 28, 2009, DOW filed a motion for an award of attorneys' fees and costs for
8 work performed on the merits of this case from its inception in 2008 through summer 2009. See Dkt.
9 No. 75. DOW's motion will be supplemented as appropriate to account for further work regarding
10 recovery of fees in this case.

11 2. On October 1, 2009, the Court granted the parties' first stipulation to stay briefing for 60
12 days to allow settlement discussions regarding DOW's motion for attorneys' fees and costs. See Dkt.
13 No. 76. Pursuant to the Court's October 1, 2009 Order, the stay of briefing extended until November 30,
14 2009.

15 3. DOW and Defendants agree that briefing and argument on DOW's claim for fees and
16 costs may be unnecessary in light of the parties' intent to attempt to settle DOW's claim. DOW and
17 Defendants agree that the parties need additional time beyond November 30, 2009 in order to conduct
18 negotiations regarding DOW's claim for attorneys' fees, costs, and other expenses.

19 4. Accordingly, DOW and Defendants agree that further proceedings on DOW's motion for an
20 award of fees and costs, including the filing of memoranda and evidentiary and other materials
21 supporting that motion, should be further stayed until December 9, 2009. At that time, DOW and
22 Defendants will either jointly propose a briefing schedule to address DOW's motion for fees and costs,
23 or the parties shall otherwise apprise this Court of the status of DOW's motion and any request for
24 action by this Court.
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1 Based on the joint stipulation set forth above, the parties respectfully request that the Court stay
2 briefing and argument on DOW's motion for an award of attorneys' fees, costs, and other expenses until
3 December 9, 2009.

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5 Dated: November 30, 2009.

Respectfully submitted,

6 /s/ Trent W. Orr

Trent W. Orr

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8 Attorney for Plaintiffs Defenders of Wildlife, et al.

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10 /s/ Beverly F. Li

Beverly F. Li

Peter C. Whitfield

Jay Govindan

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12 Attorneys for Defendants

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14 Pursuant to the stipulation of the parties, IT IS SO ORDERED.

15
16 Date: 12/1/ 2009.



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18 _____
CLAUDIA WILKEN

United States District Judge