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Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA (OAKLAND DIVISION)**

14 MICHAEL DRAGOVICH, MICHAEL
 15 GAITLEY, ELIZABETH LITTERAL,
 16 PATRICIA FITZSIMMONS, CAROLYN
 LIGHT, CHERYL LIGHT, DAVID BEERS,
 17 CHARLES COLE, RAFAEL V. DOMINGUEZ,
 and JOSE G. HERMOSILLO, on behalf of
 18 themselves and all others similarly situated,

Plaintiffs,

v.

20 UNITED STATES DEPARTMENT OF THE
 21 TREASURY, TIMOTHY GEITHNER, in his
 official capacity as Secretary of the Treasury,
 22 United States Department of the Treasury,
 INTERNAL REVENUE SERVICE, DOUGLAS
 23 SHULMAN, in his official capacity as
 Commissioner of the Internal Revenue Service,
 24 BOARD OF ADMINISTRATION OF
 CALIFORNIA PUBLIC EMPLOYEES'
 25 RETIREMENT SYSTEM, and ANNE
 26 STAUSBOLL, in her official capacity as Chief
 Executive Officer, CalPERS,

Defendants.

Case No. 4:10-cv-01564-CW

Assigned to the Hon. Claudia Wilken

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING PLAINTIFFS'
 MOTION FOR REASONABLE
 ATTORNEYS' FEES, COSTS
 AND EXPENSES**

4:10-cv-01564-CW

Stipulation and ~~Proposed~~ Order Re Plaintiffs' Motion for Reasonable Attorneys' Fees

1 WHEREAS, on December 12, 2014, Plaintiffs filed a Joint Stipulation and
2 Proposed Order are seeking additional time within which to file their motion for
3 reasonable attorneys' fees, costs and expenses and setting a briefing schedule;

4 WHEREAS, on December 15, 2014, this Court entered an order granting
5 Plaintiffs additional time and setting a briefing schedule;

6 WHEREAS, Plaintiffs' opening brief is due January 30, 2015;

7 WHEREAS, on January 19, 2015, Plaintiffs' counsel emailed Defendants'
8 counsel asking to meet and confer pursuant to Local Rule 54-5(a);

9 WHEREAS, on January 22, 2015, counsel for Plaintiffs, the federal Defendants
10 and the state Defendants met and conferred telephonically. During this productive phone
11 call, the parties agreed to further discuss Plaintiffs' attorneys' fees, costs and expenses
12 once Plaintiffs' counsel could provide a more detailed breakdown of fees, costs and
13 expenses to Defendants;

14 WHEREAS, both counsel for federal and state Defendants indicated that they
15 would stipulate to more time for Plaintiffs' motion should Plaintiffs request more time;

16 WHEREAS, Plaintiffs' counsel has been working diligently on the motion for
17 reasonable attorneys' fees, costs and expenses but due to the press of other litigation
18 matters (including an appellate fee reply in Ollier v. Sweetwater, Case No. 12-56348 (due
19 February 23, 2015)), the complicated nature of the motion, the time required to review
20 and categorize time spent (more than 2000 hours) by two organizations regarding three
21 defendants and claims of same-sex plaintiffs and domestic partner plaintiffs over five
22 years, and the possibility of further productive meet and confer sessions with the federal
23 and state Defendants that could narrow the issues in dispute in the motion, Plaintiffs'
24 counsel is seeking to modify the briefing schedule to afford Plaintiffs' counsel additional
25 time to file the motion for reasonable attorneys' fees, costs and expenses;

26 WHEREAS, all parties have agreed to a stipulated briefing schedule;

27 THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:
28

1 Plaintiffs' motion for reasonable attorneys' fees, costs and expenses will be filed
2 on or before March 12, 2015.

3 Defendants' opposition to Plaintiffs' motion for reasonable attorneys' fees, costs
4 and expenses will be filed on or before April 27, 2015.

5 Plaintiffs' reply in support of their motion for reasonable attorneys' fees, costs
6 and expenses will be filed on or before May 21, 2015.

7 The hearing on Plaintiffs' motion for reasonable attorneys' fees, costs and
8 expenses will be on June 11, 2015 at 2:00 p.m.

9 So stipulated,

10 THE LEGAL AID SOCIETY –
11 EMPLOYMENT LAW CENTER

12
13 Dated: January 26, 2015

14 By: /S/ Elizabeth Kristen
Elizabeth Kristen

15 BOARD OF ADMINISTRATION OF
16 CALIFORNIA PUBLIC EMPLOYEES'
17 RETIREMENT SYSTEM, and ANNE
STAUSBOLL

18 Dated: January 26, 2015

19 By: /S/ Jennifer Morrow
Jennifer Morrow, Counsel for Defendants CalPERS
and Stausboll

20 U.S. DEPARTMENT OF JUSTICE
21 CIVIL DIVISION

22 Dated: January 26, 2015

23 By: /S/ Jean Lin
Jean Lin, Counsel for Federal Defendants

24 BIPARTISAN LEGAL ADVISORY GROUP
25 OF THE HOUSE OF REPRESENTATIVES

26 Dated: January 26, 2015

27 By: /S/ Kerry W. Kircher
Kerry W. Kircher, Counsel for
28 Bipartisan Legal Advisory Group

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GENERAL ORDER 45 ATTESTATION

In accordance with General Order 45, concurrence in the filing of this document has been obtained from each of the signatories, and I shall maintain records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request by a party.

/S/ Elizabeth Kristen
Elizabeth Kristen

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ORDER

It is so ordered.

1/28/2015

Dated



UNITED STATES DISTRICT JUDGE