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10 *Attorneys for Plaintiffs*

11 UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13		)	
14	OUR CHILDREN’S EARTH FOUNDATION and	)	Case No. 3:13-cv-2857-JSW-KAW
15	ECOLOGICAL RIGHTS FOUNDATION,	)	<b>STIPULATION FOR BRIEFING</b>
16		)	<b>SCHEDULE ON ATTORNEYS FEE</b>
17	Plaintiffs,	)	<b>MOTION;</b>
18	v.	)	<del><b>PROPOSED</b></del> <b>ORDER</b>
19	U.S. ENVIRONMENTAL PROTECTION	)	
20	AGENCY, et al.,	)	
21	Defendants.	)	
22		)	
23		)	

23 Pursuant to Civil Local Rules 6-2 and 54-5, Plaintiffs Our Children’s Earth Foundation and  
 24 Ecological Rights Foundation (“Plaintiffs”), and Defendants U.S. Environmental Protection Agency  
 25 and Gina McCarthy, Administrator, U.S. Environmental Protection Agency (“Defendants”) hereby  
 26 stipulate and respectfully request of the Court an order providing a briefing schedule and hearing

27 STIPULATION FOR BRIEFING SCHEDULE  
 28 ON ATTORNEYS FEE MOTION AND  
 [PROPOSED] ORDER

1 date for Plaintiffs' motion for attorneys fees and costs.

2 WHEREAS, on August 25, 2014, the Court entered the parties' negotiated Consent Decree  
3 to resolve the substantive claims at issue (other than claims for costs of litigation) in the above-  
4 captioned case, Dkt. # 55;

5 WHEREAS, under the Consent Decree, the Court retained jurisdiction to construe,  
6 implement, modify, or enforce the terms of the Consent Decree, and for granting any further relief  
7 as the interests of justice may require, *id.* at 12;

8 WHEREAS, under Paragraph 24 of the Consent Decree the parties attempted to reach  
9 agreement on attorney fees and costs, *id.* at 8;

10 WHEREAS, the Parties previously requested and the Court granted an order providing  
11 Plaintiffs until February 28, 2015 to file their motion for attorney fees so they could continue  
12 settlement discussions;

13 WHEREAS, Paragraph 24 of the Consent Decree provides that Defendants may file their  
14 Opposition at least 45 days after the any motion for attorneys fees is filed;

15 WHEREAS, Plaintiffs filed their motion for attorneys fees and costs on February 26, 2015;

16 NOW THEREFORE, the parties respectfully request that the Court enter the attached order  
17 providing Defendants until April 23, 2015 to file their opposition to Plaintiffs' motion for attorneys  
18 fees; providing Plaintiffs until May 6, 2015 to file their reply in support of their motion for attorneys  
19 fees; and providing that the hearing on this matter be scheduled for May 21, 2015 at 11:00 a.m.

20  
21 Respectfully submitted this 13th day of March, 2015.

22 s/ Jodene Isaacs  
23 CHRISTOPHER A. SPROUL  
24 JODENE ISAACS

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8 SAM HIRSCH  
9 Acting Assistant Attorney General  
10 U.S. Department of Justice  
11 Environment & Natural Resources Division

12 s/ John Thomas H. Do (as authorized)  
13 JOHN THOMAS H. DO, Trial Attorney  
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19 *Attorneys for Defendants*

20 **E-FILING ATTESTATION**


21 Pursuant to Civil Local Rule 5.1(i)(3), I attest that counsel for Defendants has concurred  
22 in the filing of this document.

23 s/ Jodene L. Isaacs  
24 JODENE L. ISAACS  
25 Counsel for Plaintiffs

~~PROPOSED~~ ORDER

The above STIPULATION FOR THE BREIFING SCHEDULE ON ATTORNEYS FEE MOTION is GRANTED. Defendants shall have until April 23, 2015 to file their opposition to Plaintiffs’ motion for attorneys fees and costs; Plaintiffs shall have until May 6, 2015 to file their reply in support of their motion, and the Court shall schedule the hearing on May 21, 2015 at 11:00 a.m.

Dated: 3/16/15

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge