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6 *Counsel for Defendants*

8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10		)	
11	OUR CHILDREN’S EARTH FOUNDATION and	)	Case No. 3:13-cv-2857-JSW-KAW
12	ECOLOGICAL RIGHTS FOUNDATION,	)	<b>STIPULATION TO CONTINUE</b>
13		)	<b>HEARING;</b>
14	Plaintiffs,	)	<del>PROPOSED</del> ORDER
15	v.	)	AS MODIFIED
16		)	
17	U.S. ENVIRONMENTAL PROTECTION	)	
18	AGENCY, et al.,	)	
19	Defendants.	)	
20		)	
21		)	
22		)	

18 Plaintiffs Our Children’s Earth Foundation and Ecological Rights Foundation (“Plaintiffs”),  
 19 and Defendants U.S. Environmental Protection Agency and Gina McCarthy, Administrator, U.S.  
 20 Environmental Protection Agency (“Defendants”) hereby stipulate and respectfully request a Court  
 21 order continuing the hearing on Plaintiffs’ Motion for Attorneys’ Fees and Costs until October 15,  
 22 2015 or shortly thereafter.

23 WHEREAS, on February 26, 2015, Plaintiffs filed Motion for Attorneys’ Fees and Costs,  
 24 Dkt. # 59, and that motion has been fully briefed as of July 6, 2015;

28 STIPULATION TO CONTINUE HEARING;  
~~PROPOSED~~ ORDER

1 WHEREAS, on May 20, 2015, the Court continued the motion hearing on Plaintiffs' motion  
2 to September 3, 2015, Dkt. # 70;

3 WHEREAS, undersigned counsel for federal Defendants underwent an unexpected medical  
4 procedure on September 2, 2015, and was instructed not to travel;

5 WHEREAS, undersigned counsel for federal Defendants represents that he must undergo a  
6 more extensive medical procedure in the month of September;

7 WHEREAS, on September 2, 2015, Dkt. #78, the Court signed the parties' stipulation, Dkt.  
8 #77, to continue the motion hearing to allow undersigned counsel for federal Defendants sufficient  
9 time to recover from these medical procedures;

10 WHEREAS, undersigned counsel for federal Defendants now represents that he anticipates  
11 being able to travel for a motion hearing scheduled on October 15, 2015 or later;

12 NOW THEREFORE, the parties respectfully request that the Court continue the hearing for  
13 Plaintiffs' Motion for Attorneys' Fees and Costs, Dkt. # 59, until October 15, 2015 or a date shortly  
14 thereafter.

15  
16 Respectfully submitted this 11th day of September, 2015.

17 s/ Jodene Isaacs (as authorized)  
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s/ John Thomas H. Do  
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*Attorneys for Defendants*

**E-FILING ATTESTATION**


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

s/ John Thomas H. Do  
JOHN THOMAS H. Do  
U.S. Department of Justice

~~PROPOSED~~ ORDER

The above STIPULATION TO CONTINUE HEARING is GRANTED. Plaintiffs' Motion for Attorneys' Fees and Costs, Dkt. # 59, shall be scheduled for ~~October 15,~~ November 19, 2015 at 11:00 AM.

Dated: September 16, 2015

  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge