

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 09-cv-02148-REB-MJW

WILDEARTH GUARDIANS,

Plaintiff,

v.

GINA McCARTHY, in her official capacity as Administrator, United States Environmental Protection Agency,

Defendant.

ORDER

Blackburn, J.

The matter is before me on the **Joint Motion to Amend Consent Decree in Order to Effectuate The Parties' Settlement of Plaintiff's Claim For Additional Fees** [#49]¹ filed May 1, 2014. After reviewing the motion and the record, I conclude that the motion should be granted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Joint Motion to Amend Consent Decree in Order to Effectuate The Parties' Settlement of Plaintiff's Claim For Additional Fees** [#49] filed May 1, 2014, is **GRANTED**;
2. That Paragraph 11 of the **Amended Consent Decree** [#24] entered May 26, 2010, is **AMENDED** by the addition of a new Subparagraph 11(a) as follows:

¹ "[#49]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

11(a). EPA agrees to settle plaintiff's claims for attorneys' fees and costs incurred after entry of this Amended Consent Decree by paying \$5,925.00 as soon as reasonably practicable after the court grants the parties' joint motion to amend the Amended Consent Decree adding this new subparagraph 11(a). This amount shall be paid by Fed Wire Electronic Funds Transfer to WildEarth Guardians' counsel Robert Ukeiley, P.S.C. in accordance with payment instructions to be provided by Robert Ukeiley. Plaintiff agrees to provide counsel for defendant all necessary information for processing the electronic funds transfer within five (5) business days after receipt of the court's order granting the parties' joint motion to amend the Amended Consent Decree adding this new subparagraph 11(a). Plaintiff agrees to accept \$5,925.00 in full satisfaction of any and all claims for attorneys' fees and costs with respect to this case incurred from the date of entry of the Amended Consent Decree to the date of the Amended Consent Decree is terminated and this case dismissed, regardless of whether the claim arose under the Amended Consent Decree or the parties' separate Settlement Agreement. The fees paid under this subparagraph shall have no precedential value in any future fee claim between these parties in any other matter.

2. That all other terms and provisions of the **Amended Consent Decree** [#24]

SHALL REMAIN in effect, except to the extent they have been amended previously by order of this court.

Dated May 1, 2014, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge