

Simeon Herskovits (NV Bar No. 11155)
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Tel: 575-758-7202
simeon@communityandenvironment.net

Michael C. Wheable (NV Bar No. 12518)
White Pine County District Attorney
County Courthouse
801 Clark Street, Suite 3
Ely, Nevada 89301
Tel: 775-293-6565
MWheable@whitepinecountynv.gov

Attorneys for Plaintiffs White Pine County, et al.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CENTER FOR BIOLOGICAL DIVERSITY,)

Plaintiff,)

vs.)

UNITED STATES BUREAU OF LAND)
MANAGEMENT, *et al.*,)

Defendants,)

and)

SOUTHERN NEVADA WATER)
AUTHORITY,)

Defendant-Intervenor.)

WHITE PINE COUNTY, *et al.*,)

Plaintiffs,)

vs.)

Case No. 2:14-cv-00226-APG-VCF

**STIPULATION AND JOINT MOTION
TO STAY BRIEFING RE: PLAINTIFFS
WHITE PINE COUNTY, ET AL.'S
MOTION FOR ATTORNEYS' FEES
AND COSTS**

ORDER

Case No. 2:14-cv-00228-APG-VCF
(Consolidated)

)
UNITED STATES BUREAU OF LAND)
MANAGEMENT, <i>et al.</i> ,)
)
Defendants,)
)
and)
)
SOUTHERN NEVADA WATER)
AUTHORITY,)
)
Defendant-Intervenor.)
_____)

Plaintiffs White Pine County, et al., (“the County”) have filed a motion for attorneys’ fees, costs, and expenses pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412. In order to facilitate the ongoing settlement discussions regarding the County’s motion, the County and Federal Defendants jointly move this Court to stay briefing on the County’s motion for 60 days. In support of this motion, the County and Federal Defendants stipulate as follows:

1. Concurrently with this stipulation and joint motion, the County has filed a motion for attorneys’ fees and costs. The County’s motion will be supplemented as appropriate to account for any future litigation in this case.
2. The County and Federal Defendants agree that briefing and argument on the County’s claim for attorneys’ fees and costs may be unnecessary in light of the parties’ attempt to settle the County’s claim.
3. The County and Federal Defendants agree that future proceedings on the County’s motion for award of attorneys’ fees and costs, including the filing of a supporting brief and other materials supporting that motion, should be deferred for 60 days. At that time, the County and Federal Defendants will either jointly propose a briefing schedule to address the

County's motion for attorneys' fees and costs, or the parties will otherwise apprise the Court of the status of the County's motion and any request for action by the Court.

Based on the foregoing, the County and Federal Defendants respectfully request that that this Court stay briefing and argument on the County's concurrently filed motion for attorneys' fees and costs for 60 days from the date of the Court's order granting such stay.

Dated this 22nd day of January, 2018.

IT IS SO ORDERED.



United States District Judge
Dated: January 23, 2018

Respectfully submitted,

/s/ Simeon Herskovits

Simeon Herskovits (NV Bar No. 11155)
Iris Thornton, *pro hac vice*
Advocates for Community and Environment
P.O. Box 1075
El Prado, New Mexico 87529
Telephone: 575-758-7202
simeon@communityandenvironment.net

Michael C. Wheable (NV Bar No. 12518)
White Pine County District Attorney
County Courthouse
801 Clark Street, Suite 3
Ely, Nevada 89301
Telephone: 775-293-6565
MWheable@whitepinecountynv.gov

*Attorneys for Plaintiffs
White Pine County, et al.*

STEVEN W. MYRHE
Acting United States Attorney

BLAINE T. WELSH
Assistant United States Attorney
Nevada State Bar No. 4790
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Facsimile: 702-388-6787
Email: blaine.welsh@usdoj.gov

JEFFREY H. WOOD
Acting Assistant Attorney General

/s/ Luther L. Hajek

LUTHER L. HAJEK
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace, Suite 370
Denver, Colorado 80202
Telephone: 303-844-1376
Facsimile: 303-844-1350
Email: luke.hajek@usdoj.gov

STACEY BOSSHARDT
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment & natural Resources Division
601 D Street, NW
Washington, D.C. 20004
Telephone: 202-514-2912
Facsimile: 202-305-0274
Email: stacey.bosshardt@usdoj.gov

Of Counsel:

Stephen R. Palmer
Assistant Regional Solicitor
Office of the Regional Solicitor
Department of the Interior
2800 Cottage Way, Room E-1712
Sacramento, California 95825-1890

Counsel for Federal Defendants

IT IS SO ORDERED:

ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

Dated: