

1 DAYLE ELIESON  
Interim United States Attorney

2 BLAINE T. WELSH  
3 Assistant United States Attorney  
4 Nevada State Bar No. 4790  
5 333 Las Vegas Boulevard South, Suite 5000  
6 Las Vegas, Nevada 89101  
7 Tel: 702-388-6336, Fax: 702-388-6787  
8 Email: [blaine.welsh@usdoj.gov](mailto:blaine.welsh@usdoj.gov)

9 JEFFREY H. WOOD  
10 Acting Assistant Attorney General

11 LUTHER L. HAJEK  
12 STACEY BOSSHARDT  
13 Trial Attorneys, Natural Resources Section  
14 United States Department of Justice  
15 Environment and Natural Resources Division  
16 999 18th St., South Terrace, Suite 370  
17 Denver, CO 80202  
18 Telephone: 303-844-1376, Fax: 303-844-1350  
19 Email: [luke.hajek@usdoj.gov](mailto:luke.hajek@usdoj.gov)

20 *Attorneys for Defendants*

21 **UNITED STATES DISTRICT COURT**  
22 **DISTRICT OF NEVADA**

23	CENTER FOR BIOLOGICAL DIVERSITY,	)	Case No. 2:14-cv-226-APG-VCF
24		)	
25	Plaintiff,	)	Consolidated with 2:14-cv-228-APG-VCF
26		)	
27	v.	)	
28		)	
29	UNITED STATES BUREAU OF LAND	)	<b>STIPULATION AND SETTLEMENT</b>
30	MANAGEMENT, <i>et al.</i> ,	)	<b>OF PLAINTIFF CENTER FOR</b>
31		)	<b>BIOLOGICAL DIVERSITY'S</b>
32	Defendants,	)	<b>MOTION FOR ATTORNEYS' FEES</b>
33		)	<b>AND COSTS</b>
34		)	
35	and	)	
36		)	
37	SOUTHERN NEVADA WATER AUTHORITY,	)	<b>ORDER</b>
38		)	
39	Defendant-Intervenor.	)	
40		)	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WHITE PINE COUNTY, *et al.*, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES BUREAU OF LAND )  
MANAGEMENT, *et al.*, )  
 )  
Defendants, )  
 )  
and )  
 )  
SOUTHERN NEVADA WATER AUTHORITY, )  
 )  
Defendant-Intervenor. )  
 )

---

1 Defendants U.S. Bureau of Land Management and the U.S. Department of the Interior  
2 (collectively, “Defendants”) and Plaintiff Center for Biological Diversity (“Plaintiff”), through  
3 their undersigned attorneys, hereby stipulate and agree as follows:

4 1. Plaintiff has submitted a motion for attorneys’ fees and costs pursuant to the  
5 Equal Access to Justice Act, 28 U.S.C. 2412. *See* Plaintiff Center for Biological Diversity’s  
6 Motion for Attorneys’ Fees and Costs (“Fee Motion”) (ECF No. 153).

7 2. For purposes of settlement only and without conceding liability for attorneys’ fees  
8 and costs, Defendants agree to pay Plaintiff a total of \$120,000 in full and complete satisfaction  
9 of Plaintiff’s Equal Access to Justice Act claim and any and all potential claims that Plaintiff  
10 may have for attorneys’ fees and costs associated with this case.

11 3. The payment described in paragraph 2 shall be accomplished by electronic funds  
12 transfer to the Center for Biological Diversity. Within twenty days of execution of this  
13 agreement, Plaintiff’s counsel shall provide to Defendants the information necessary to  
14 accomplish the electronic funds transfer, including bank account number and routing  
15 information, and the name and address associated with the account.

16 4. Plaintiff and Plaintiff’s counsel agree to hold Defendants and the United States  
17 harmless in any litigation, further suit, or claim arising from the authorized transfer of the  
18 payments described in paragraph 3. The United State may offset the payment amount to account  
19 for any delinquent debts owed by the Center for Biological Diversity to the United States  
20 pursuant to 31 U.S.C. §§ 3711, 3716.

21 5. Plaintiff agrees that the receipt of the payment described in paragraph 2 shall  
22 operate as a waiver and release of any and all claims for attorneys’ fees and costs associated with  
23 this case.

24 6. This settlement is entered into solely for purposes of settling Plaintiff’s Fee  
25 Motion and does not represent an admission by any party of any claim or defense in relation to  
26 the Fee Motion for this case. Further, this settlement agreement has no precedential value. It  
27 shall not bind any party in any future proceeding of any kind, whether judicial or administrative  
28

1 in nature, and shall not be cited as evidence or referred to in any proceeding, except as necessary  
2 to effect the terms of this agreement.

3 7. No provision of this settlement agreement shall be interpreted as or constitute a  
4 commitment or requirement that Defendants obligate or pay funds in violation of the Anti-  
5 Deficiency Act, 31 U.S.C. § 1341, or any other applicable appropriations law.

6 8. This stipulation represents the entirety of the agreement between Plaintiff and  
7 Defendants with regard to the settlement of Plaintiff's claims for attorneys' fees and costs.

8 9. The undersigned representatives of each party certify that they are fully  
9 authorized by the respective parties they represent to enter into the terms and conditions of this  
10 settlement agreement and to legally bind the parties to the agreement.

11 10. The terms of this agreement shall become effective upon the Court's approval of  
12 this stipulation.

13 IT IS SO STIPULATED AND AGREED.

14 Respectfully submitted this 19th day of June, 2018.

15 DAYLE ELIESON  
16 Interim United States Attorney


17 BLAINE T. WELSH  
18 Assistant United States Attorney  
19 Nevada State Bar No. 4790  
20 333 Las Vegas Boulevard South, Suite 5000  
21 Las Vegas, Nevada 89101  
22 Telephone: 702-388-6336  
23 Facsimile: 702-388-6787  
24 Email: [blaine.welsh@usdoj.gov](mailto:blaine.welsh@usdoj.gov)

25 JEFFREY H. WOOD  
26 Acting Assistant Attorney General

27 /s/ Luther L. Hajek

28 LUTHER L. HAJEK  
STACEY BOSSHARDT  
Trial Attorneys, Natural Resources Section  
United States Department of Justice  
Environment & Natural Resources Division  
999 18th St., South Terrace, Suite 370  
Denver, CO 80202  
Telephone: 303-844-1376

24 **IT IS SO ORDERED.**

25   
26 \_\_\_\_\_  
27 United States District Judge  
28 Dated: June 19, 2018

Facsimile: 303-844-1350  
Email: [luke.hajek@usdoj.gov](mailto:luke.hajek@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, CA 95825-1890

*Attorneys for Defendants*

/s/ Marc D. Fink

Marc D. Fink, *pro hac vice* (MN Bar No. 343407)  
Center for Biological Diversity  
209 East 7th Street  
Duluth, Minnesota 55805  
Tel: 218-464-0539  
[mfink@biologicaldiversity.org](mailto:mfink@biologicaldiversity.org)

Julie Cavanaugh-Bill (NV Bar No. 11533)  
Cavanaugh-Bill Law Offices, LLC  
Henderson Bank Building  
401 Railroad Street, Suite 307  
Elko, Nevada 89801  
Tel: 775-753-4357  
[julie@cblawoffices.org](mailto:julie@cblawoffices.org)

*Attorneys for Plaintiff  
Center for Biological Diversity*

IT IS SO ORDERED

UNITED STATES DISTRICT JUDGE

DATED: \_\_\_\_\_