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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)	STIPULATION AND SETTLEMENT
30	MANAGEMENT, <i>et al.</i> ,)	OF PLAINTIFFS WHITE PINE
31)	COUNTY ET AL.'S MOTION FOR
32	Defendants,)	ATTORNEYS' FEES AND COSTS
33)	
34	and)	
35)	
36	SOUTHERN NEVADA WATER AUTHORITY,)	
37)	
38	Defendant-Intervenor.)	

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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 Plaintiffs White Pine County *et al.* (collectively, “Plaintiffs”),
3 through their undersigned attorneys, hereby stipulate and agree as follows:

4 1. Plaintiffs have submitted a motion for attorneys’ fees and costs pursuant to the
5 Equal Access to Justice Act, 28 U.S.C. 2412. *See* Plaintiffs White Pine County *et al.*’s Motion
6 for Attorneys’ Fees and Costs (“Fee Motion”) (ECF No. 156).

7 2. For purposes of settlement only and without conceding liability for attorneys’ fees
8 and costs, Defendants agree to pay Plaintiffs a total of \$80,000 in full and complete satisfaction
9 of Plaintiffs’ Equal Access to Justice Act claim and any and all potential claims that Plaintiffs
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 Advocates for Community and Environment. 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. Plaintiffs and Plaintiffs’ 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 States may offset the payment amount to
19 account for any delinquent debts owed by the Plaintiffs to the United States pursuant to 31
20 U.S.C. §§ 3711, 3716.

21 5. Plaintiffs agree 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 Plaintiffs’ 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
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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 Plaintiffs and
7 Defendants with regard to the settlement of Plaintiffs' 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 16th day of November, 2018.

15 DAYLE ELIESON
16 Interim United States Attorney

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20 **IT IS SO ORDERED.**

21 
22 _____
23 UNITED STATES DISTRICT JUDGE
24 Dated: November 19, 2018.

25 JEAN E. WILLIAMS
26 Deputy Assistant Attorney General

27 /s/ Luther L. Hajek
28 LUTHER L. HAJEK
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White Pine County et al.