

Elizabeth E. Howard, OSB No. 012951
 Email: ehoward@dunncarney.com
Anne D. Foster, OSB No. 993152
 Email: afoster@dunncarney.com
Dunn Carney Allen Higgins & Tongue LLP
 851 SW Sixth Avenue, Suite 1500
 Portland, OR 97204-1357

Attorneys for Plaintiffs Allen, *et al.* /
 Defendant-Intervenors Allen, *et al.*

S. Amanda Marshall, OSB No. 953473
 United States Attorney
Stephen J. Odell, OSB No. 903530
 steve.odell@usdoj.gov
 Assistant United States Attorney
 1000 SW Third Avenue, Suite 600
 Portland, OR 97204-2902
 (503) 727-1024 (tel) / (503) 727-1117 (fax)
Ignacia S. Moreno
 Assistant Attorney General
 Environment & Natural Resources Division
Seth M. Barsky, Chief
Erik E. Petersen, D.C., Bar No. 489073
 erik.petersen@usdoj.gov
 Trial Attorney
 Wildlife & Marine Resources Section
 Ben Franklin Station, PO Box 7369
 Washington, D.C. 20044-7369
 (202) 305-0330 (tel) / (202) 305-0275 (fax)

Of Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 PENDLETON DIVISION

OREGON NATURAL ASS'N CENTER FOR
 BIOLOGICAL DIVERSITY, and WESTERN
 WATERSHEDS PROJECT,

Plaintiff,

v.

TOM TIDWELL, *et al.*,

Defendants.

Case No. 2:07-cv-01871-HA
 [Related Case No. 2:03-cv-00381-HA]
 [Related Case No. 2:08-cv-00151-HA]

STIPULATION AS TO ATTORNEY
 FEES AND COSTS IN *ALLEN V.*
NMFS, 2:08-cv-00151-HA

v.

HARLEY & SHERRIE ALLEN,

Defendants-Intervenors.

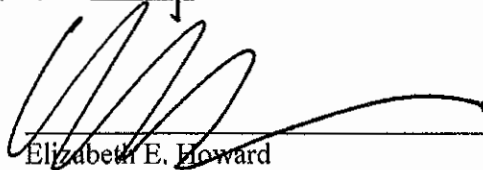
Plaintiffs Allen, *et al.* and Federal Defendants National Marine Fisheries Service, *et al.* hereby stipulate and agree to the following:

1. Plaintiffs Allen, *et al.* and Federal Defendants counsel represent that they are each fully authorized to enter into this Stipulation on behalf of Plaintiffs Allen, *et al.* and Federal Defendants, respectively.
2. Pursuant to the citizen-suit provision of the Endangered Species Act, 16 U.S.C. § 1540(g)(4), Federal Defendants agree to pay Plaintiffs Allen, *et al.* \$120,000 as reasonable attorney fees and costs incurred in pursuing the claim on which the latter prevailed in Case No. 2:08-cv-00151-HA, one of the above-captioned consolidated actions, and agree to pay that amount to the trust account of Dunn Carney based on the representations by Plaintiffs' counsel provided below in paragraph 5;
3. Upon receiving payment by Federal Defendants as provided for in paragraph 2, above, Plaintiffs Allen, *et al.* agree to waive any and all right or entitlement they may have to seek an award of any attorney fees, costs, and expenses they incurred in pursuing their claims or otherwise participating in any fashion in *Allen v. NMFS*, 2:08-cv-00151-HA;
4. Within 10 days of this Court approving this Stipulation, as the parties request below in paragraph 7, Federal Defendants agree to submit for processing the payment they have agreed to make in paragraph 2, above. Federal Defendants further agree to undertake all

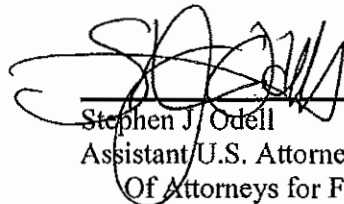
reasonable efforts to provide for prompt processing and delivery of the payment they have agreed to make in paragraph 2.

5. Plaintiffs Allen, *et al.*'s counsel certifies that Dunn Carney is fully authorized to accept all such sums on behalf of Plaintiffs in *Allen v. NMFS*, 2:08-cv-151-HA, and that no such Plaintiff presently has any outstanding debts or liabilities owed to the United States that would be potentially subject to offset against whatever amount of any portion of the award for which this stipulation provides to which he or she may be entitled.
6. The entry into this stipulation does not constitute, and shall not be relied upon, or attempt to be relied upon, by any party as an admission or concession of fact or law on the part of any other party as to the entitlement to be awarded fees or costs and/or the amount of fees or costs to which it may be entitled, or any other issue related to fees and costs incurred in this litigation.
7. The parties respectfully request that the Court incorporate this stipulation into its Order by signing on the signature block below provided for that purpose.

Respectfully submitted this 30th day of July 2012.



Elizabeth E. Howard
Dunn Carney Allen Higgins & Tongue LLP
Of Attorneys for Plaintiffs Allen *et al.*



Stephen J. Odell
Assistant U.S. Attorney District of Oregon
Of Attorneys for Federal Defendants

Having reviewed the foregoing stipulation of the parties, I HEREBY APPROVE IT this 31
day of July 2012.



THE HONORABLE ANNER HAGGERTY
U.S. District Judge