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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

CONSERVATION CONGRESS,

Plaintiff,

v.

UNITED STATES FOREST SERVICE and
UNITED STATES FISH AND WILDLIFE
SERVICE,

Federal Defendants,

and

TRINITY RIVER LUMBER CO.,

Defendant-Intervenor.

No. 2:13-CV-01977-JAM-DB

**FIFTH
JOINT STIPULATION AND ORDER
TO STAY PLAINTIFF'S MOTION
FOR ATTORNEY FEES AND
COSTS**

Hon. John A. Mendez

1 JEAN E. WILLIAMS
2 Deputy Assistant Attorney General
3 United States Department of Justice
4 Environment & Natural Resources Division

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16 *Attorneys for Federal Defendants*

17 The parties now jointly stipulate to an additional 7 day stay on the briefing of Plaintiff's
18 motion for attorney fees and costs. In support of this stipulation, the parties represent to the
19 Court that they have negotiated in good faith with respect to the appropriate amount of attorney
20 fees and costs to be paid in this action. On November 20, 2019, the undersigned counsel reached
21 agreement as to the appropriate amount to be recommended to deciding officials at the U.S.
22 Department of Justice and U.S. Department of Agriculture.

23 At the time that the undersigned counsel reached agreement on November 20, 2019,
24 counsel for Plaintiff Conservation Congress had authority to settle the fee and cost issue for the
25 agreed upon amount. However, counsel for the Federal Defendants requires additional
26 authorizations from the Department of Justice to settle this matter for the agreed upon amount, as
27 the procedure for securing this approval is lengthy. Federal Defendants have made substantial
28 progress toward this approval, securing the approval of the Department of Agriculture and
managers at the Department of Justice. However, Federal Defendants require one more week for
Department of Justice officials to review the settlement recommendation. Counsel for Federal
Defendants has recommended that the agreed upon amount be approved as a fair and final

1 settlement of the fee and cost issue in this matter and is working diligently to expedite the
2 approval process as quickly as she is able. As of yet, counsel for Federal Defendants is unaware
3 of any substantive problems with the fees settlement in this case—the parties seek this brief
4 extension merely to allow more time for the approval procedure.

5 The undersigned counsel for the Federal Defendant has conferred with the relevant
6 officials at the Department of Justice, and she expects a final decision on the settlement by no
7 later than January 22, 2020.

8 For these reasons, and for good cause shown, the parties stipulate as follows and request
9 that the Court approve this stipulation:

- 10 1. Briefing on Plaintiff's motion for attorney's fees and costs is stayed until January 22,
11 2020.
- 12 2. If the parties have not resolved the issue of fees and costs by January 22, 2020, they
13 shall jointly inform the Court and shall propose to the Court a schedule for briefing
14 Plaintiff's Motion for Attorney Fees and Costs pursuant to Local Rule 293.

15 Respectfully submitted this 15th day of December, 2020.

16
17
18 /s/ Steven Sugarman (with permission on
19 January 15, 2020)

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ORDER

The Court having considered the stipulation of the parties, IT IS SO ORDERED.

Dated: 1/15/2020

/s/ John A. Mendez
Hon. John A. Mendez
United States District Court Judge