

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BREAST CANCER PREVENTION
PARTNERS, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants.

Case No. 4:21-cv-07360-HSG

**JOINT STIPULATION BETWEEN
PLAINTIFFS AND FEDERAL
DEFENDANTS TO STAY BRIEFING ON
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS;
ORDER**

Pursuant to Local Civil Rule 6-2, Plaintiffs Breast Cancer Prevention Partners, et al., and Defendants U.S. Environmental Protection Agency and its Administrator, Michael S. Regan, (collectively, the "Parties") hereby stipulate to a stay of briefing on Plaintiffs' motion for an award of attorneys' fees and costs for sixty days, such that Federal Defendants' opposition brief is due September 26, 2022. The Parties request this stay to facilitate settlement discussions regarding Plaintiffs' pending motion. Plaintiffs and Federal Defendants therefore stipulate as follows:

1. Concurrently with this stipulation, Plaintiffs are filing a motion for an award of attorneys' fees and costs. Plaintiffs' motion will be supplemented as appropriate to account for any future litigation in this case concerning Plaintiffs' claim for attorneys' fees and costs. *See United States v. Hristov*, 396 F.3d 1044, 1047 (9th Cir. 2005) (affirming that timely motion for attorneys' fees under the Equal Access to Justice Act may be later amended "as long as doing so would not prejudice the government").

2. Plaintiffs and Federal Defendants agree that briefing and argument on Plaintiffs' claim for fees and costs may be unnecessary in light of the Parties' intent to explore the possibility of settling that claim.

1 3. Accordingly, the Parties agree that further proceedings on Plaintiffs' motion for
2 an award of fees and costs, including the filing of memoranda and evidentiary and other
3 materials supporting the motion, should be deferred for sixty days.

4 4. Plaintiffs are filing their motion for attorneys' fees and costs concurrently with the
5 filing of this joint stipulation. Local Civil Rule 7-3(a) provides that Federal Defendants'
6 opposition brief is due fourteen days after the filing of Plaintiffs' motion, or July 28, 2022. A
7 sixty-day stay will postpone Federal Defendants' opposition brief deadline until September 26,
8 2022. Local Civil Rule 7-3(c) provides that Plaintiffs' reply brief is due seven days after Federal
9 Defendants' opposition brief is due, or August 4, 2022. A sixty-day stay will postpone
10 Plaintiffs' reply brief deadline until October 3, 2022.

11 5. There have been no previous time modifications to this briefing schedule.

12 6. Notwithstanding these deadlines, the Parties will either jointly propose a briefing
13 schedule to address Plaintiffs' motion for fees and costs or otherwise apprise this Court of the
14 status of Plaintiffs' motion and any request for action by this Court by September 12, 2022.

15 7. By joining this stipulation, Federal Defendants do not concede Plaintiffs'
16 entitlement to attorneys' fees or costs and do not waive any defense to Plaintiffs' claim for fees
17 and costs.

18 Based on the joint stipulation set forth above, the parties respectfully request that this
19 Court stay briefing on Plaintiffs' motion for attorneys' fees and costs for sixty days. Pursuant to
20 Local Civil Rules 6-2(a) and 7-12, a proposed order accompanies this stipulation. Pursuant to
21 Local Civil Rule 5-1(h)(3), undersigned counsel for Plaintiffs attests that the other signatories
22 listed below concur in the filing of this document.

Respectfully submitted this 14th day of July, 2022,

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Counsel for Plaintiffs

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 7/15/2022


HAYWOOD S. GILLIAM, JR.
United States District Judge