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8 *Counsel for Plaintiffs*

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 COUNTY OF SANTA CLARA, *et al.*,
12 Plaintiffs,

Case No. 3:19-cv-2916

13 U.S. DEPARTMENT OF HEALTH AND
14 HUMAN SERVICES and ALEX M. AZAR, II,
15 in his official capacity as SECRETARY OF
16 HEALTH AND HUMAN SERVICES,

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
TIME FOR FILING APPLICATION
FOR FEES AND COSTS**

Defendants.

Judge: Hon. William H. Alsup

No Hearing Scheduled

17 1. Pursuant to Northern District of California Civil Local Rules 6-1, 6-2, and 7-12,
18 Plaintiffs and Defendants (together, the “Parties”), by and through their counsel, hereby stipulate
19 to the following:

20 2. On November 19, 2019, the Court granted summary judgment for Plaintiffs and
21 against Defendants.¹ No. 19-02916, ECF No. 87. The Court entered final judgment in favor of
22 Plaintiffs on January 8, 2020. No. 19-02916, ECF No. 89.

23 3. Plaintiffs other than the County of Santa Clara have indicated that they may seek
24 attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), 29 U.S.C.A. § 2412.

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27 ¹ This case was related to Case No. 19-02405, filed by the City and County of San Francisco,
28 and Case No. 19-02769, filed by the State of California. No. 19-02916, ECF No. 38. This motion
is filed only by Plaintiffs in the above-captioned case, Case No. 19-02916.

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MICHELLE BENNETT
Assistant Branch Director
Civil Division

By: /s/ Benjamin T. Takemoto
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Attorneys for Defendants

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Lee H. Rubin, attest that concurrence in the filing of this Stipulation has been obtained from the signatory, Benjamin T. Takemoto, counsel for Defendants.

Executed this 14th day of January, 2020 in Palo Alto, California.

By: /s/ Lee H. Rubin
LEE H. RUBIN (SBN 141331)

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED that the deadline for filing an application for fees and costs is tolled until forty-five (45) days after the deadline for filing a notice of appeal or, if a notice of appeal is filed, forty-five (45) days after all appeals in this matter have been concluded and the time for any further appeal or request for rehearing has expired.

Dated: _____

Hon. William Alsup
United States District Judge

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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

COUNTY OF SANTA CLARA, *et al.*,
Plaintiffs,

U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES and ALEX M. AZAR, II,
in his official capacity as SECRETARY OF
HEALTH AND HUMAN SERVICES,

Defendants.

Case No. 3:19-cv-2916

**DECLARATION IN SUPPORT OF
JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
TIME FOR FILING APPLICATION
FOR FEES AND COSTS**

Judge: Hon. William H. Alsup

No Hearing Scheduled

I, Lee H. Rubin, submit this declaration pursuant to Civil Local Rule 6-2 in support of the Parties' Joint Stipulation and [Proposed] Order to Extend Time For Filing Application for Fees and Costs. I have personal knowledge of the facts stated below, and if called upon to testify, I could and would testify competently thereto.

1. Pursuant to Northern District of California Civil Local Rules 6-1, 6-2, and 7-12, Plaintiffs and Defendants (together, the "Parties") have agreed that the deadline for seeking any fees and costs should be tolled until forty-five (45) days after the deadline for filing a notice of appeal or, if a notice of appeal is filed, forty-five (45) days after all appeals in this matter have been concluded and the time for any further appeal or request for rehearing has expired, as set forth in the accompanying Joint Stipulation.

2. As set forth in the Parties' Joint Stipulation, the Parties respectfully request the extension because of the potential for an appeal and in the interest of promoting judicial economy.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 is true and correct. Executed this 14th day of January, 2020, at Palo Alto, California.

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4 By: /s/ Lee H. Rubin

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