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 6 United States of America

7
 8 **IN THE UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10
 11 SEQUOIA FORESTKEEPER,

12 Plaintiff,

13 v.

14 UNITED STATES FOREST SERVICE, et al.

15 Defendants.

CASE NO. 1:09-cv-00392 LJO BAK

**UNOPPOSED MOTION AND ORDER TO
 CONTINUE HEARING ON PLAINTIFF'S
 MOTION FOR RECONSIDERATION**

DATE: March 2, 2011

TIME: 8:30 a.m.

JUDGE: The Hon. Lawrence J. O'Neill

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 17 Defendants United States Forest Service, Tom Tidwell, and Tina Terrell (hereafter the
 18 "Federal Defendants") move the Court for its Order pursuant to Local Rule 230(f), continuing the
 19 hearing on Plaintiff's Motion for Reconsideration [Document 86] currently set for March 2, 2011,
 20 for one week, to and until March 9, 2011, to give the parties additional time to consider whether an
 21 agreement can be reached with regard to one of the issues raised by Plaintiff's motion, all as set forth
 22 more fully below. Plaintiff does not oppose the requested continuance.
 23

24 This motion is made more than seven (7) days before the scheduled hearing date, as required
 25 by Local Rule 230(f).

26 One of the issues raised by Plaintiff in its Motion for Reconsideration deals with the Clean
 27 Water Act. Upon review of the motion, and further review of the briefs and the Court's Order on
 28

1 Summary Judgment [Document 80], it appears that the facts related to this issue may not have been
2 fully developed in the administrative record, and that the legal argument presented by the Federal
3 Defendants in their briefing may not have accurately reflected the position of the United States. The
4 parties are conferring with regard to whether agreement can be reached on how this issue should be
5 addressed with the Court, and what relief may be requested. Additional time is needed to complete
6 these discussions between the Federal Defendants and Plaintiff before the Federal Defendants'
7 response to the Motion for Reconsideration must be filed. That response is currently due to be filed
8 on February 16, 2011.
9

10 This motion is not made for the purpose of vexation or delay, but to facilitate efficiency by
11 ensuring that the parties have an opportunity to fully explore the possibility of agreement with regard
12 to a major issue raised by the pending motion.

13 Based on the foregoing, and without opposition by Plaintiff, the Federal Defendants
14 respectfully request this Court to vacate the March 2, 2011, hearing date for Plaintiff's Motion to
15 Reconsider [Doc. 86], and continue that hearing until March 9, 2011 at 8:30am.
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17 Respectfully Submitted,

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19 DATED: February 15, 2011

BENJAMIN B. WAGNER
United States Attorney

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21 By: /s/ J. Earlene Gordon
22 J. EARLENE GORDON
Assistant United States Attorney

23
24 **ORDER**

25 It is so ORDERED.

26
27 Dated: February 16, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE