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 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**  
 10

11 LEROY DEL DON JR.,	)	1:10-cv-00126-AWI-GSA
	)	
12 Plaintiff,	)	<b>STIPULATION AND ORDER REGARDING</b>
	)	<b>PLAINTIFF'S MOTION FOR</b>
13 v.	)	<b>PRELIMINARY INJUNCTION</b>
	)	
14 TOM VILSACK, in his official	)	Date: February 23, 2010
capacity as United States	)	Time: 1:30 p.m.
15 Secretary of Agriculture,	)	Ctrm: 2
UNITED STATES DEPARTMENT OF	)	
16 AGRICULTURE, UNITED STATES	)	Hon. Anthony W. Ishii
DEPARTMENT OF AGRICULTURE	)	
17 FOREST SERVICE, KAREN JO	)	
CALDWELL, SUSAN SKALSKI,	)	
18 KATHY HARDY, CHRISTINA WELCH,	)	
and DOES 1 - 100 inclusive,	)	
19 Defendants.	)	
20	)	

21 IT IS HEREBY STIPULATED by and between Defendant United  
 22 States Department of Agriculture ("USDA") and Plaintiff, Leroy  
 23 Del Don Jr. ("Del Don"), by and through their respective counsel,  
 24 to preserve the status quo as follows:

25 1. USDA agrees to suspend the February 26, 2010 deadline  
 26 set forth in the Notice of Trespass and Opportunity to Sell dated  
 27 January 22, 2010, authored by District Ranger Karen Jo Caldwell  
 28 regarding Pinecrest Tract Lot 150, Stanislaus National Forest

1 ("Lot 150"), until the above-captioned action, Case No. 1:10-cv-  
2 00126-AWI-GSA (the "Litigation") is resolved by dismissal or  
3 final judgment.

4 2. USDA agrees to suspend the October 31, 2010 deadline  
5 set forth in the Notice of Trespass and Opportunity to Sell dated  
6 January 22, 2010, authored by District Ranger Karen Jo Caldwell  
7 regarding Lot 150 until the Litigation is resolved by dismissal  
8 or final judgment.

9 3. USDA and Del Don agree that the recreation residence  
10 and all related improvements and structures on Lot 150 will not  
11 be placed for sale until the Litigation is resolved by dismissal  
12 or final judgment.

13 4. USDA and Del Don agree that the asphalt driveway on Lot  
14 150 will not be destroyed, removed, and/or altered until the  
15 Litigation is resolved by dismissal or final judgment.

16 5. USDA and Del Don agree that no part of the recreation  
17 residence or its related improvements and/or structures on Lot  
18 150 will be removed or destroyed until the Litigation is resolved  
19 by dismissal or final judgment.

20 6. USDA and Del Don agree that for a period of thirty (30)  
21 days following the Court's entry of an order on this Stipulation,  
22 Del Don may enter the recreation residence and related  
23 improvements on Lot 150 as many times as necessary for the  
24 purposes of retrieving personal items, securing the structures,  
25 and performing maintenance and repairs, provided that (a) Del Don  
26 shall provide notice to District Ranger Karen Jo Caldwell by  
27 telephone (209-965-3434) or facsimile (209-965-3372) not less  
28 than forty-eight (48) hours prior to each such entry; and (b) Del

1 Don shall not occupy the recreational residence overnight or use  
2 it for recreational purposes.

3 7. USDA and Del Don agree that following the expiration of  
4 the thirty (30) day period set forth in paragraph 6 of this  
5 Stipulation, and until this Litigation is resolved by dismissal  
6 or by final judgment, Del Don may enter the recreation residence  
7 and related improvements on Lot 150 not more than one (1) day  
8 each calendar month other than May, and not more than two (2)  
9 days during the month of May, for the purposes of retrieving  
10 personal items, securing the structures, and performing  
11 maintenance and repairs, provided that (a) Del Don shall provide  
12 notice to District Ranger Karen Jo Caldwell by telephone (209-  
13 965-3434) or facsimile (209-965-3372) not less than forty-eight  
14 (48) hours prior to each such entry; and (b) Del Don shall not  
15 occupy the recreational residence overnight or use it for  
16 recreational purposes. USDA agrees that Del Don may bring a work  
17 crew to Lot 150 for spring clean-up during the month of May,  
18 subject to the other requirements of this paragraph.

19 8. Del Don agrees to withdraw his Motion for Preliminary  
20 Injunction and requests that the Court vacate the hearing set for  
21 February 23, 2010.

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Dated: February 12, 2010

Respectfully submitted,

BENJAMIN B. WAGNER  
United States Attorney

By: /s/ Benjamin E. Hall  
BENJAMIN E. HALL  
Assistant U.S. Attorney  
Attorneys for Defendants

Dated: February 12, 2010

ARATA, SWINGLE, SODHI &  
VAN EGMOND

[Authorized 2/12/10]

By: /s/ Colleen F. Van Egmond  
COLLEEN F. VAN EGMOND  
Attorneys for Plaintiff

**ORDER**

IT IS SO ORDERED.

Dated: February 16, 2010

/s/ Anthony W. Ishii  
CHIEF UNITED STATES DISTRICT JUDGE