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

10 DENNIS BEARD and KIMBERLY
BEARD,

11 Plaintiffs,
12

13 v.

14 UNITED STATES OF AMERICA
DEPARTMENT OF AGRICULTURE;
15 PELAYO LOGGING, INC; SIERRA
FOREST PRODUCTS; RIGHT-A-WAY AG
SERVICES, LCC, and DOES 1-50,
16

17 Defendants.
18

Case No. 1:14-cv-01045-GSA

**STIPULATION and ORDER FOR
EXTENSION OF TIME FOR UNITED
STATES TO RESPOND TO COMPLAINT**

19 Plaintiffs filed their First Amended Complaint August 28, 2014. (Dkt. No. 7). The parties are
20 engaged in ongoing settlement discussions and hope to resolve a portion of this matter, which could
21 result in the dismissal of one or more defendants, before filing responsive pleadings or engaging in
22 pre-answer motion practice. The parties therefore stipulated, and the Court approved an extension of
23 time for Defendants to respond to the Complaint and file any third party claims to October 24, 2014.
24 (Dkt. No. 13). The Court approved a further extension up to and including November 7, 2014, for
25 Defendants to respond to the Complaint and file any third party claims. (See Dkt. No. 16). It is likely
26 that this matter will resolve as against the private defendants, and be dismissed as against the federal
27 defendants. Therefore, Plaintiffs and the United States hereby stipulate to an extension of time of 28
28 days, up to and including December 5, 2014, for the United States to respond to the Complaint and to

1 file any third party, cross-claims, or counter-claims.

2 Respectfully submitted,

3 DATED: November 6, 2014

CORNWELL & SAMPLE LLP

4 By: Sher A. Beard (auth. on 11/5/14)
5 Sher A. Beard
6 Attorneys for Plaintiffs

7 DATED: November 6, 2014

BENJAMIN B. WAGNER
United States Attorney

8 By: /s/ Gregory T. Broderick
9 GREGORY T. BRODERICK
10 Assistant United States Attorney

11 **ORDER**

12 Based on the parties' foregoing stipulation, the United States is granted an extension of time,
13 up to and including December 5, 2014, to respond to Plaintiffs' complaint and to file any third-party
14 claims, cross-claims, or counter-claims.

15 IT IS SO ORDERED.

16 Dated: November 10, 2014

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE