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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 KEVIN FRANKEN,

Plaintiff,

13 v.

14 SALLY JEWELL, Secretary, U.S. Department
of the Interior: YELLOWSTONE NATIONAL
15 PARK; DAVID HALLAC, individually; and
DOES 1-8;

Defendants.
16
17

CASE NO. 1:15-cv-01368-EPG

**STIPULATION AND
ORDER TO EXTEND DEADLINE
FOR SECRETARY OF THE
INTERIOR TO RESPOND TO FIRST
AMENDED COMPLAINT**

18
19 Plaintiff filed his original Complaint on September 8, 2015 (ECF No. 1) and served it on the
20 United States Attorney's Office on September 18, 2015. On January 12, 2016, plaintiff filed his
21 First Amended Complaint (ECF No. 18) and served it on the United States Attorney's Office on
22 February 11, 2016. The First Amended Complaint added new defendants whose responsive
23 pleadings are due within sixty days of the date of service. To avoid unnecessary attorney time and
24 expenses and to conserve judicial resources, the parties wish to extend the time for the Secretary of
25 the Interior to respond to the First Amended Complaint from February 12, 2016 to April 10, 2016, a
26 date that is approximately the date when the responsive pleadings of the newly added defendants are
27 due.
28

1 Based on the foregoing, the parties, through their respective undersigned counsel, hereby
2 stipulate and agree that defendant Secretary of the Interior shall have until April 10, 2016 to respond
3 to the First Amended Complaint.
4

5 Dated: February 12, 2016

BENJAMIN B. WAGNER
United States Attorney

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7 By: /s/ Bruce A. Emard
8 BRUCE A. EMARD
9 Assistant United States Attorney
10 Attorneys for Secretary of Interior

11 Dated: February 12, 2016

BASSINGER & HARVEY

12 By: Randy J. Harvey
13 RANDY J. HARVEY
14 Attorney for Kevin Franken
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16 **ORDER**

17 The Secretary of the Interior shall have until **April 10, 2016** to respond to the First Amended
18 Complaint. In light of this extension, and the fact that the other defendants have not yet appeared in
19 this action, the scheduling conference currently scheduled for **March 8, 2016 at 9:00 a.m** is
20 VACATED, and is rescheduled until **April 25, 2016 at 9:30 a.m.** in Courtroom 10 (EPG) before
21 Magistrate Judge Erica P. Grosjean. The parties shall file a joint scheduling report seven days prior
22 to the scheduling conference. Additionally, all parties shall be properly served and executed proofs
23 of service shall also be filed seven days prior to the scheduling conference.
24

25 Finally, if the United States Attorney's Office will be representing the defendants who have
26 not yet appeared, the Court requests that any Consent/Decline to Magistrate Judge Jurisdiction Form
27 be filed at the time of the joint scheduling report to facilitate the issuance of the scheduling order in
28

1 this action. The Court notes that this case was initially filed on September 8, 2015 (Doc. 1),
2 therefore, any future continuances will be looked upon with disfavor

3
4 IT IS SO ORDERED.

5 Dated: February 16, 2016

/s/ Eric P. Groj
6 UNITED STATES MAGISTRATE JUDGE