

1 RENÉ P. VOSS (CA Bar No. 255758)  
15 Alderney Road  
2 San Anselmo, CA 94960  
Phone: (415) 446-9027  
3 Email: renepvoss@gmail.com  
LEAD COUNSEL

4 RACHEL S. DOUGHTY (CA Bar No. 255904)  
Greenfire Law, PC  
5 1202 Oregon St. Berkeley, CA 94702  
6 Phone: (828) 424-2005  
Email: rdoughty@greenfirelaw.com

7 *Attorneys for Plaintiff*

8 **Counsel for Federal Defendants and Defendant-**  
9 **Intervenor Listed on Signature Page**

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA  
12 FRESNO DIVISION

14 SEQUOIA FORESTKEEPER,

15 Plaintiff,

16 v.

17 ERIC LA PRICE, *et al.*,

18 Federal Defendants, and

19 SIERRA FOREST PRODUCTS, a California  
20 Corporation,

21 Intervenor-Defendant.  
22

Case No. 1:16-CV-00759-AWI-JLT

**STIPULATION REGARDING FIRST  
AMENDED COMPLAINT, BRIEFING  
PAGE LIMITS, AND PROPOSED ORDER  
(Doc. 44)**

23  
24  
25  
26  
27  
28

1 Stipulation to Amend Complaint

2 In its March 31, 2017, Scheduling Order, the Court ordered that no later than April 28,  
3 2017, Plaintiff shall circulate its proposed first amended complaint, and no later than May 5,  
4 2017, Plaintiff shall file either a stipulation to amend the complaint or a motion to amend the  
5 complaint. Dkt. # 40.

6 On April 28, 2017, Plaintiff's counsel sent its proposed first amended complaint to both  
7 Defendants' and Defendant-Intervenor's counsel. On May 2, 2017, Plaintiff sent a request for a  
8 stipulation to amend the complaint, to which both Defendants and Defendant-Intervenor  
9 informally agreed. Since that time, Plaintiff has made changes to the proposed first amended  
10 complaint. The claims in the final version remain the same as in the proposed complaint.

11 Having reviewed these changes, the parties hereby stipulate to the First Amended  
12 Complaint, as attached hereto.

13 Stipulation regarding Briefing Page Limits

14 Moreover, the parties stipulate to the following page limits regarding the upcoming  
15 briefing:

- 16 1. Plaintiff's opening and reply briefs shall not exceed 60 pages in total.
- 17 2. Defendants' and Defendant-Intervenor's opposition briefs shall not to exceed 30 pages  
18 each.
- 19 3. Should the Court grant leave for sur-reply briefs, Defendants' and Defendant-  
20 Intervenor's briefs shall not exceed 10 pages each.

21 Respectfully submitted this 5th day of May, 2017.

22 /s/ René Voss  
23 RENÉ P. VOSS  
24 RACHEL DOUGHTY  
25 Greenfire Law, PC

*Attorneys for Plaintiff*

26 PHILLIP A. TALBERT  
27 United States Attorney

28 /s/ Joseph Frueh (authorized on 5/5/2017)  
JOSEPH B. FRUEH

Assistant United States Attorney  
*Attorneys for Federal Defendants*

**American Forest Resource Council**

By /s/Lawson Fite(authorized on 5/5/2017)  
Lawson Fite

*Attorneys for Defendant-Intervenor*

**ORDER**

Based upon the stipulation of the parties, the Court **ORDERS**:

1. The stipulation for plaintiff to file the first amended complaint is **GRANTED**:

2. The stipulation related to the substantive briefs is **GRANTED**. Thus, the opening and reply briefs **SHALL NOT** exceed 60 pages and the opposing briefs **SHALL NOT** exceed 30 pages;

3. In the event that there is a request for a sur-reply<sup>1</sup>, the Court notes that the parties have agreed that the sur-replies will not exceed 10 pages each and the parties will be bound by this agreement. However, the Court will await the filing of a request for a sur-reply before addressing the procedures for doing so.

IT IS SO ORDERED.

Dated: May 9, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE

---

<sup>1</sup> Counsel are reminded that requests to file sur-replies are generally discouraged and they should endeavor to include all arguments in their briefs because they can have no confidence that the Court will permit a sur-reply.