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17 Attorneys for Federal Defendants

18  
19 **IN THE UNITED STATES DISTRICT COURT**  
20 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
21

22 CENTRAL SIERRA  
23 ENVIRONMENTAL RESOURCE  
24 CENTER, ET AL.

25 Plaintiffs

26 v.

27 STANISLAUS NATIONAL FOREST,  
28 ET AL.

Defendants.

No. 1:17-cv-00441-LJO-SAB

**JOINT STIPULATION AND ORDER TO  
MODIFY PAGE LIMITS AND CONTINUE  
PLEADINGS DEADLINES AND DATE OF  
SCHEDULING CONFERENCE**

1 As set forth below, Plaintiffs Central Sierra Environmental Resource Center and  
2 Sierra Forest Legacy, and Defendants Jeanne M. Higgins, Stanislaus National Forest and  
3 the United States Forest Service hereby respectfully request that the Court amend the  
4 schedule in this matter. In particular, the parties request that the Court enter a schedule  
5 providing that (1) Plaintiffs shall move to amend their Complaint to add any claims under  
6 the Endangered Species Act (“ESA”) by June 30, 2017; (2) Defendants shall file a  
7 motion to dismiss Plaintiffs’ Complaint or Amended Complaint by July 30, 2017; (3) the  
8 Scheduling Conference currently set for June 27, 2017 is continued until resolution of  
9 Defendants’ motion to dismiss; and (4) the page limits for briefing on Defendants’  
10 motion to dismiss shall be 40 pages (for opening and responsive briefs) and 20 pages (for  
11 Defendants’ reply brief). In support of this motion, the parties state as follows:

15 1. This lawsuit is a challenge to certain grazing activities on three cattle  
16 grazing allotments on the Stanislaus National Forest. Plaintiffs’ Complaint includes  
17 claims for relief under the Clean Water Act (“CWA”), the National Forest Management  
18 Act (“NFMA”), and the Rescissions Act.

21 2. Plaintiffs served their Complaint on the United States Attorney for the  
22 Eastern District of California on April 5, 2017. Pursuant to Federal Rule of Civil  
23 Procedure 12(a)(2), Defendants’ responsive pleading is due on June 5, 2017.

25 3. The Court has set a Scheduling Conference for June 27, 2017.

26 4. By letter dated April 12, 2017, Plaintiffs sent a notice of intent to sue under  
27 the ESA. See 16 U.S.C §1540(g)(2)(A).  
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1           5.       Plaintiffs may move to amend their Complaint to include claims for relief  
2 under the ESA.

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4           6.       Defendants anticipate moving to dismiss some or all of Plaintiffs' claims  
5 under the CWA, NFMA, and the Rescissions Act, and may move to dismiss any ESA  
6 claim[s] set forth in amended pleadings filed by Plaintiffs.

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8           7.       Any motion to dismiss is likely to involve substantial briefing, since  
9 Plaintiffs' lawsuit implicates at least three environmental statutes.

10           8.       Judicial economy is best served by avoiding premature scheduling  
11 conferences.

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13           9.       Accordingly, the parties respectfully request that the Court enter a schedule  
14 providing that (1) Plaintiffs shall move to amend their Complaint with any claims under  
15 the ESA by June 30, 2017; (2) Defendants shall file their motion to dismiss Plaintiffs'  
16 Complaint or Amended Complaint by July 30, 2017; (3) the initial status conference  
17 currently scheduled for June 27, 2017 is continued until resolution of Defendants' motion  
18 to dismiss; and (4) the page limits for briefing on Defendants' motion to dismiss shall be  
19 40 pages (for opening and responsive briefs) and 20 pages (for Defendants' reply brief).  
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22           10.      In requesting this schedule, the parties do not waive any claim or defense  
23 with respect to pleadings. In particular, Defendants consent under Federal Rule of Civil  
24 Procedure 15(a)(1)(B) to Plaintiffs amending their pleadings in response to Defendants'  
25 motion to dismiss.  
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28                   Respectfully submitted this 31st day of May, 2017.

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Pursuant to the stipulation of the parties, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: June 1, 2017

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