

1 Michael W. Graf (SBN 136172)  
2 Law Offices  
3 227 Behrens Street  
4 El Cerrito, California 94530  
5 Telephone: (510) 525-1208  
6 mwgraf@aol.com

7 Peter M.K. Frost, *pro hac vice*  
8 Western Environmental Law Center  
9 1216 Lincoln Street  
10 Eugene, Oregon 97401  
11 Telephone: 541-359-3238  
12 frost@westernlaw.org

13 Attorneys for Plaintiffs Central Sierra Environmental  
14 Resource Center and Sierra Forest Legacy

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CENTRAL SIERRA ENVIRONMENTAL  
RESOURCE CENTER, et al.

Plaintiffs

v.

STANISLAUS NATIONAL FOREST, et  
al.

Defendants,

CALIFORNIA FARM BUREAU, et al.

Defendant-Intervenors.

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

**PARTIES' JOINT STIPULATION AND  
ORDER REGARDING SECOND AMENDED  
COMPLAINT, MODIFYING PAGE LIMITS,  
AND CONTINUING PLEADINGS DEADLINE**

1 Plaintiffs Central Sierra Environmental Resource Center, et al. (“Plaintiffs”), Defendants  
2 Jeanne M. Higgins,<sup>1</sup> Stanislaus National Forest and the United States Forest Service, et al.  
3 (“Defendants”) and Defendant-Intervenors California Farm Bureau, et al. (“Defendant-  
4 Intervenors”) have conferred, and hereby stipulate to and respectfully request that the Court enter  
5 an order establishing the following terms for management of this case:

6 On September 5, 2017, Plaintiffs filed a Second Amended Complaint. ECF No. 33. The  
7 parties disagree about the timeliness of the Second Amended Complaint. Plaintiffs contend that  
8 Defendants consented to the filing in a May 31, 2017 Stipulation (“May 31 Stipulation”). *See*  
9 ECF Nos. 18-19. Meanwhile Defendants contend that under the May 31 Stipulation, Defendants  
10 only consented to an amendment under Federal Rule of Civil Procedure 15(a)(1)(B)<sup>2</sup> (see May  
11 31 Stip., ¶10), meaning that Plaintiffs could amend as a matter of course within 21 days of the  
12 filing of the Defendants’ motion to dismiss. Because Defendants filed a motion to dismiss on  
13 July 30, 2017 (ECF No. 27), Defendants contend that Plaintiffs’ 21-day period to amend their  
14 First Amended Complaint expired on August 21, 2017, whereas Plaintiffs filed the Second  
15 Amended Complaint on September 5, 2017, which under the local rules was the deadline for  
16 their response to the motion to dismiss.

17 To avoid a protracted procedural argument and to promote judicial economy, Defendants  
18 and Defendant-Intervenors consent under Rule 15(a)(2) to the filing of the Second Amended  
19 Complaint.

20 The parties agree as follows:

- 21 1. That the motion hearing set for September 19, 2017, should be taken off calendar.
- 22 2. On or before September 29, 2017, Defendants and Defendant-Intervenors will file  
23 motions to dismiss the second amended complaint, not to exceed 40 pages.  
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26 <sup>1</sup> Jeanne Higgins is no longer the Forest Supervisor for the Stanislaus National Forest. Scott  
27 Tangenberg is the Acting Forest Supervisor and Jason Kuiken is set to become the Forest  
28 Supervisor in late October 2017.

<sup>2</sup> Federal Rule of Civil Procedure 15(a)(1)(B) states that “[a] party may amend its pleading once  
as a matter of course within . . . 21 days after service of a motion under Rule 12(b).”

- 1 3. On or before October 13, 2017, Plaintiffs will file their responses to the motions to  
2 dismiss, not to exceed 40 pages each.
- 3 4. On or before October 27, 2017, Defendants and Defendant-Intervenors will file their  
4 replies, not to exceed 20 pages each.
- 5 5. The motions to dismiss shall be set for hearing on November 8, 2017, at 10 a.m., or as  
6 soon thereafter as the matter may be heard.
- 7 6. Any further amendments to the pleadings shall be made pursuant to Rule 15(a)(2).

8 Date: September 11, 2017. Respectfully submitted,

9  
10 /s/ Peter M.K. Frost  
11 Peter M.K. Frost, *pro hac vice*  
12 Michael W. Graf (SBN 136172)

13 Attorneys for Plaintiffs

14 JEFFREY H. WOOD  
15 Acting Assistant Attorney General  
16 Environment and Natural Resources Division

17 /s/ Lauren D. Adkins  
18 LAUREN D. ADKINS  
19 lauren.adkins@usdoj.gov  
20 Tel: (202) 305-0247  
21 MICHAEL C. MARTINEZ (Cal. Bar No. 275581)  
22 michael.c.martinez@usdoj.gov  
23 Tel: (202) 514-0135  
24 TRAVIS ANNATOYN  
25 travis.annatoyn@usdoj.gov  
26 Tel: (202) 514-5243  
27 Trial Attorneys  
28 United States Department of Justice  
Environment and Natural Resources Division  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Fax: 202-305-0506

Attorneys for Federal Defendants

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/s/ Scott W. Horngren  
Scott W. Horngren, *pro hac vice*  
Caroline Lobdell, *pro hac vice*  
Shay S. Scott, *pro hac vice*

Attorneys for Defendant-Intervenors

Pursuant to the stipulation of the parties, IT IS SO ORDERED. The Clerk of Court is directed to terminate administratively the pending motions to dismiss (ECF Nos. 31 and 27).

IT IS SO ORDERED.

Dated: September 13, 2017

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