

1 **RECITALS**

2 WHEREAS, on June 1, 2009, Plaintiffs League to Save Lake Tahoe and Friends of
3 Tahoe Vista (collectively, “Plaintiffs”) filed a motion for partial summary judgment and
4 permanent injunction on the First and Fourth causes of action in the Second Amended
5 Complaint (“Plaintiffs’ motion for summary judgment/preliminary injunction “) against
6 Defendants Tahoe Regional Planning Agency (“TRPA”), and Tahoe Vista Partners, LLC
7 (“TVP”), originally scheduled for hearing on July 15, 2009 at 9:00 a.m.

8 WHEREAS, on June 11, 2009, the Court approved the following briefing and
9 hearing schedule for Plaintiffs’ motion for summary judgment/preliminary injunction
10 based on a stipulation between the parties (Document No. 66):

- 11 a. Opposition brief deadline: July 27, 2009.
- 12 b. Reply brief deadline: August 17, 2009.
- 13 c. Hearing date: September 9, 2009.

14 WHEREAS, the Court also set the following briefing and hearing schedule for any
15 counter-motion(s) filed by TRPA or TVP unless the parties agreed an additional extension
16 of time was necessary or appropriate (Document No. 66):

- 17 d. Opposition brief deadline for any counter-motions: August 17, 2009.
- 18 e. Reply brief deadline for any counter-motions: August 27, 2009.
- 19 f. Hearing date for any counter-motions: September 9, 2009.

20 WHEREAS, TRPA requires additional time to prepare and file the administrative
21 record, which is currently due June 30, 2009. The addition of time to file the
22 administrative record will necessitate adjustments to the briefing schedule describe above.

23 NOW THEREFORE, Plaintiffs League to Save Lake Tahoe, et al., and Defendants
24 Tahoe Regional Planning Agency, et al., by and through their respective attorneys of
25 record, hereby stipulate and agree as follows:

- 26 1. TRPA shall have until July 14, 2009, to lodge the TRPA administrative
27 record with the Court and serve electronic copies on the parties.
- 28 2. TVP and TRPA shall have until August 31, 2009, to file any oppositions or

1 counter-motions to Plaintiffs' motion for summary judgment/preliminary injunction.

2 3. Plaintiffs shall have until September 30, 2009, to file a reply briefs in support
3 of their motions for summary judgment/preliminary injunction and any opposition(s)
4 counter-motion(s) filed by TRPA or TVP.

5 4. TVP and TRPA shall have until October 15, 2009, to file any reply briefs in
6 support of their counter-motions to Plaintiffs' motion for summary judgment/preliminary
7 injunction.

8 5. A hearing date for all the above-referenced motions is set for November 18,
9 2009 at 1:30 p.m. in courtroom #6.

10 6. Defendant TVP agrees that it will not commence physical construction
11 activities on the site prior to the court issuing a ruling on Plaintiffs' motion for summary
12 judgment/ preliminary injunction or before May 1, 2010, whichever occurs first, unless the
13 Parties enter into a written stipulation providing otherwise. Physical construction activities
14 for purposes of this provision, include, but are not limited to, tree cutting in furtherance of
15 the project, site grading, pouring of concrete, asphalt paving, and/or any physical activities
16 at the site in furtherance of the project. Plaintiffs acknowledge that TVP has a TRPA tree
17 removal permit (QE20041145) issued on December 21, 2004, to cut and remove dangerous
18 and diseased trees on the project site that is not subject to this stipulation.

19 Dated: June 30, 2009

REMY THOMAS MOOSE & MANLEY LLP

21 By: /s/ Howard F. Wilkins III

Howard F. Wilkins III

22 Attorneys for Defendant Tahoe Vista Partners LLC

23 LOZEAU | DRURY LLP

25 By: /s/ Richard Drury (as authorized 6/30/09)

26 Richard Drury

27 Attorneys for Plaintiff League to Save Lake Tahoe

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KENYON YEATES LLP

By: /s/ Bill Yeates (as authorized 6/30/09)
Bill Yeates
Attorneys for Plaintiff Friends of Tahoe Vista

TAHOE REGIONAL PLANNING AGENCY

By: /s/ John L. Marshall (as authorized 6/30/09)
Nicole Rinke
John L. Marshall
Attorneys for Defendant Tahoe Regional Planning
Agency

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ORDER

The Court having read and considered the foregoing stipulation, and good cause appearing,
IT IS SO ORDERED, this 2nd day of July, 2009.

/s/ John A. Mendez
Honorable John A. Mendez
United States District Judge

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing will be e-filed on June 30, 2009, and will be automatically served upon counsel of record, all of whom appear to be subscribed to receive notice from the ECF system.

/s/ Howard F. Wilkins III
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