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Honorable Frank C. Damrell, Jr.

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Attorneys for Plaintiff
Earth Island Institute

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

EARTH ISLAND INSTITUTE, a non-profit organization,

Plaintiff,

vs.

ALICE B. CARLTON, in her official capacity)
as Forest Supervisor for Plumas National)
Forest, RANDY MOORE, in his official)
capacity as Regional Forester for Region 5 of)
the United States Forest Service, and the)
UNITED STATES FOREST SERVICE,)

Defendants

) Case No. 2:09-2020 FCD EFB

) STIPULATION AND ORDER SETTING
) SCHEDULE FOR BRIEFING OF
) PLAINTIFF'S MOTION FOR
) PRELIMINARY INJUNCTION

1 In anticipation of plaintiff's motion for preliminary injunction, and consistent with the
2 Court's schedule, plaintiff Earth Island Institute and defendants Alice B. Carlton, Randy Moore,
3 and the U.S. Forest Service (the "Parties") hereby stipulate as follows, subject to approval by the
4 Court:

5 1. Plaintiff shall file its motion papers on Friday, July 24, 2009. Plaintiff's opening
6 memorandum of law shall not exceed 25 pages.

7 2. Defendants shall file their opposition papers on or before Friday, July 31, 2009.
8 Defendants opening memorandum of law shall not exceed 25 pages.

9 3. Plaintiff shall file its reply on or before, Wednesday, August 5, 2009 at 2:00 p.m.
10 Plaintiff's reply memorandum shall not exceed 12 pages.

11 4. Subject to Court approval, Plaintiff's motion shall be heard on August 7, 2009, at
12 10:00 a.m.

13 The Parties further agree that:

14 5. No ground-disturbing activities shall begin on any portion of the Moonlight-
15 Wheeler Project before August 12, 2009 at noon.

16 6. The purpose of this stipulation is to provide for the orderly presentation of the
17 issues in this case. The Parties stipulate that nothing in this Stipulation may be construed as a
18 basis for an award of attorneys fees in this case.
19

20 SO STIPULATED, this 23rd day of July 2009

21 FOR THE PLAINTIFFS

22 /s/ Rachel M. Fazio
23 RACHEL M. FAZIO

24 /s/ René Voss (as authorized on 7/23/09)
25 RENÉ P. VOSS

26 FOR THE DEFENDANTS:

27 /s/ Julie Thrower (as authorized on 7/23/09)
28 JULIE THROWER

1 Trial Attorney
2 Environment and Natural Resources Division
3 United States Department of Justice
4 Benjamin Franklin Station, P.O. Box 663
5 Washington, D.C. 20044-0663
6 (202) 305-0247

7 **ORDER**

8 Having considered the parties' stipulation agreement, this Court ORDERS that

9 1. Plaintiff shall file its motion papers on Friday, July 24, 2009. Plaintiff's opening
10 memorandum of law shall not exceed 25 pages.

11 2. Defendants shall file their opposition papers on or before Friday, July 31, 2009.
12 Defendants opening memorandum of law shall not exceed 25 pages.

13 3. Plaintiff shall file its reply on or before Wednesday, August 5, 2009 at 2:00pm.
14 Plaintiff's reply memorandum shall not exceed 12 pages.

15 4. Plaintiff's motion shall be heard on August 7, 2009, at 10:00 a.m. in Courtroom
16 #2.

17 **IT IS SO ORDERED.**

18 DATED: July 24, 2009



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20 FRANK C. DAMRELL, JR.
21 UNITED STATES DISTRICT JUDGE
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