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11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
13 SACRAMENTO DIVISION
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16 KLAMATH-SISKIYOU WILDLANDS
CENTER, *et al.*,

17 Plaintiffs,

18 v.
19

20 PATRICIA A. GRANTHAM, *et al.*,

21 Defendants.
22

No. 2:10-cv-02350-GEB-CMK

STIPULATION AND ORDER SETTING
BRIEFNG SCHEDULE AND ORAL
ARGUMENT ON PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

Date: September 27, 2010

Time: 9:00 a.m.

Courtroom No. 3

Hon. Garland E. Burrell, Jr.
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1 Plaintiffs Klamath-Siskiyou Wildlands Center, Environmental Protection Information Center,
2 Klamath Forest Alliance, and Center for Biological Diversity and Federal Defendants Patricia A.
3 Grantham and U.S. Forest Service have met and conferred, along with prospective Intervenor-
4 Defendants South Bay Timber and Rough and Ready Lumber (collectively “the Parties”), concerning a
5 proposed briefing schedule and oral argument on Plaintiffs’ motion for preliminary injunction, which
6 Plaintiffs anticipate filing concurrently with this Stipulation and Proposed Order. Accordingly, the
7 Parties hereby stipulate, subject to Court approval, as follows:

- 8 1. Plaintiffs will file their motion and supporting papers on September 10, 2010.
- 9 2. The Federal Defendants and Intervenor-Defendants will file their opposition papers on
10 September 17, 2010.
- 11 3. Memoranda of law will not exceed 35 pages.
- 12 4. Subject to the Court’s availability and Court approval of this Stipulation, oral argument will be
13 held on September 27, 2010.
- 14 5. The purchaser of the sale, South Bay Timber, and the mill where the timber will be processed,
15 Rough and Ready Lumber, will file a motion to intervene. The parties will not oppose the
16 motion.
- 17 6. The Plaintiffs agree not to seek a preliminary injunction against timber harvest, removal of
18 timber, or other management activities in units 205, 206, 207, and 208. The Federal Defendants,
19 South Bay Timber, and Rough and Ready Lumber agree to limit timber harvest and removal and
20 other management activities to units 205, 206, 207, and 208 when they begin operations on the
21 sale. Prior to September 27, the Federal Defendants, South Bay Timber, and Rough and Ready
22 Lumber agree to give Plaintiffs seven days’ notice before timber harvest begins in any other unit
23 of the sale, so that Plaintiffs may seek a temporary restraining order if Plaintiffs choose to do so
24 prior to September 27.
- 25 7. This Stipulation is intended to establish and allow for an orderly schedule for the briefing and
26 disposition of Plaintiffs’ motion for preliminary injunction and to protect the parties’ respective
27 rights and interests pending briefing and oral argument; accordingly, it shall not be deemed, in an

1 of itself, to confer “prevailing party” status on Plaintiffs or otherwise to support a claim for
2 attorneys’ fees or costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, or other fee-
3 shifting statute or authority.

4 SO STIPULATED

5 FOR THE PLAINTIFFS

6 DATED: September 10, 2010

7 /s/Susan Jane M. Brown
8 (as authorized on September 10, 2010)
9 Susan Jane M. Brown, Staff Attorney
10 Western Environmental Law Center
11 4107 N.E. Couch Street
12 Portland, Oregon 97232
13 Tel: (503)-914-1323
14 Fax: (541) 485-2475
15 E-mail: brown@westernlaw.org

12 DATED: September 10, 2010

13 FOR THE FEDERAL DEFENDANTS

14 IGNACIA S. MORENO
15 Assistant Attorney General
16 Environment & Natural Resources Division

17 /s/David B. Glazer
18 DAVID B. GLAZER
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27 FOR THE INTERVENOR-DEFENDANTS

28 DATED: September 10, 2010

/s/Scott W. Horngren
(as authorized on September 10, 2010)
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ORDER

In consideration of the foregoing Stipulation, it is hereby ORDERED that the Stipulation is GRANTED. It is further ordered that oral argument on Plaintiffs' Motion for Preliminary Injunction will be held on September 27, 2010, at 9:00 a.m.

SO ORDERED.



GARLAND E. BURRELL, JR.
United States District Judge

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CERTIFICATE OF SERVICE

I, David B. Glazer, hereby certify that I, on September 10, 2010, I caused the foregoing to be served upon counsel of record through the Court’s electronic service system.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 10, 2010

/s/ David B. Glazer
David B. Glazer