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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SIERRA PACIFIC INDUSTRIES, et al.,

NO. CIV. S 11-1250 KJM EFB

Plaintiffs,

v.

STATUS (PRETRIAL SCHEDULING)  
ORDER

UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

\_\_\_\_\_ /  
An initial scheduling conference was held in this case on October 5, 2011. Having reviewed the parties' Joint Status Report filed on September 28, 2011 and discussed a schedule for the case with counsel at the hearing, the court makes the following orders:

I. SERVICE OF PROCESS

All named defendants have been served and no further service is permitted without leave of court, good cause having been shown.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No further joinder of parties or amendments to pleadings is permitted without leave of court, good cause having been shown. See FED. R. CIV. P. 16(b); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604 (9th Cir. 1992). Plaintiff intends to seek leave to amend to confirm that the federal witnesses have all been properly served with trial subpoenas in the state action, and to add one additional witness.

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1 III. JURISDICTION/VENUE

2 Jurisdiction is predicated upon 28 U.S.C. § 1331 and the Administrative  
3 Procedure Act, 5 U.S.C. § 701. Jurisdiction and venue are not disputed.

4 IV. HEARING SCHEDULE FOR CROSS MOTIONS ON SUMMARY JUDGMENT

5 The parties agree this action will be decided on cross motions for summary  
6 judgment based on the administrative record. The following dates shall control:

- 7 Deadline for Defendant to file and serve administrative record: **November 4, 2011**  
8 Deadline for Plaintiffs to object to record: **November 23, 2011**  
9 Deadline for Defendant to respond to any objections: **November 30, 2011**  
10 Deadline for Plaintiffs to reply to any response: **December 7, 2011**  
11 Hearing on any motion regarding objections to record: **December 14, 2011**  
12 Deadline for Plaintiffs to file motion for summary judgment: **January 4, 2012**  
13 Deadline for Defendant to file opposition and cross-motion for  
14 summary judgment: **January 25, 2012**  
15 Deadline for Plaintiffs to file opposition and reply: **February 15, 2012**  
16 Deadline for Defendant to file reply: **February 29, 2012**  
17 Hearing date: **March 12, 2012 (9:00 am)**

18 The court places a presumptive page limit of twenty (20) pages on all moving  
19 papers, twenty (20) pages on oppositions, and ten (10) pages for replies. All requests for page  
20 limit increases must be made through the courtroom deputy clerk at least fourteen (14) days prior  
21 to the filing of the motion.

22 V. MODIFICATION OF STATUS (PRETRIAL SCHEDULING) ORDER

23 The parties are reminded that pursuant to Rule 16(b) of the Federal Rules of Civil  
24 Procedure, the Status (Pretrial Scheduling) Order shall not be modified except by leave of court  
25 upon a showing of good cause. Agreement by the parties pursuant to stipulation alone does not  
26 constitute good cause. Except in extraordinary circumstances, unavailability of witnesses or  
27 counsel does not constitute good cause.

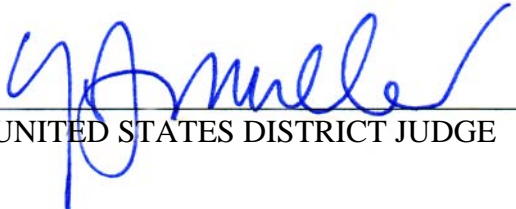
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1 VI. OBJECTIONS TO STATUS (PRETRIAL SCHEDULING) ORDER

2 This Status Order will become final without further order of the court unless  
3 objections are filed within fourteen (14) *calendar* days of service of this Order.

4 IT IS SO ORDERED.

5 DATED: October 27, 2011.

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8 UNITED STATES DISTRICT JUDGE  
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