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6 Attorneys for Defendants UNITED STATES OF
7 AMERICA; UNITED STATES DEPARTMENT
8 OF AGRICULTURE; TOM VILSACK,
9 Secretary Of Agriculture; UNITED
10 STATES FOREST SERVICE; TOM
11 TIDWELL, RANDY MOORE, ALICE B.
12 CARLTON, and DEB BUMPUS in their
13 Official Capacities

12 IN THE UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

15 ROBERT A. LUCIANO, JR., Trustee
16 Of The Robert A. Luciano Jr. Revocable
17 Trust Dated February 27, 1995,

17 Plaintiff,

18 v.

19 UNITED STATES OF AMERICA;
20 UNITED STATES DEPARTMENT OF
21 AGRICULTURE; TOM VILSACK,
22 Secretary Of Agriculture; UNITED
23 STATES FOREST SERVICE; TOM
24 TIDWELL, RANDY MOORE, ALICE B.
25 CARLTON, DEB BUMPUS,
26 and DOES 1 - 25,

23 Defendants.

CASE NO. 22:11-cv-01831-GEB -KJN

**APPLICATION AND [PROPOSED]
ORDER CONTINUING ALL DATES**

25 Plaintiff ROBERT A. LUCIANO, JR. and Defendant the UNITED STATES OF
26 AMERICA, of the above-entitled action, hereby jointly propose a 60-day continuance of the
27 scheduling conference and the hearing of Plaintiff's Motions [Docket Entries 10 and 11] and in
28

1 support thereof, submit the following to the Court:

- 2 1. The scheduling conference is currently set for February 13, 2012. Docket Entry
3 (“DE”) 6.
4
5 2. On January 25, 2012, Plaintiff filed a motion to supplement the administrative record
6 which was filed by the United States on December 19, 2011. DE Nos. 10 & 8. The
7 motion was the United States’ first notice of Plaintiff’s purported issues with the
8 administrative record.
9
10 3. The United States has since reviewed the motion and believes that many and possibly
11 all of the issues can be resolved without the Court’s intervention. Given the age of
12 the matters at issue (in excess of 10), changes in personnel, and other personnel
13 issues, the parties require additional time to meet and confer on the issues.
14
15 4. The parties respectfully request that the status conference currently set for February
16 13, 2012 be continued 60 days to allow the United States to investigate Plaintiff’s
17 position, to meet and confer with Plaintiff, and to supplement the Administrative
18 Record, if necessary. The parties also request that the hearing of Plaintiff’s pending
19 motions be continued 60 days from the current setting of March 5, 2012, as the
20 parties’ meet and confer may resolve most of the issues.
21
22 5. This application is submitted for good cause and not for the purpose of delay.

IT IS SO STIPULATED.

23 Respectfully submitted,

24 DATED: January 30, 2012

BENJAMIN B. WAGNER
25 United States Attorney

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By: /s/ Jason Ehrlinspiel
JASON EHRLINSPIEL
Assistant United States Attorney

Attorneys for Defendants

DATED: January 30, 2012

Richard H. Hart, Jr.
Law Office Of Richard H. Hart PC
By: /s/ Richard H. Hart, Jr.
RICHARD H. HART, JR.

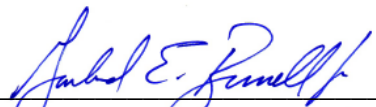
Attorney for Plaintiff

[PROPOSED] ORDER

IT IS HEREBY ORDERED that:

1. That the scheduling conference currently set for February 13, 2012 is continued until April 23, 2012, at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing.
2. The United States shall file and serve, if necessary, any additions to the Administrative Record on or before April 16, 2012; and
3. Plaintiff's Motions, Docket Entries 10 – 12, currently set for March 5, 2012, are continued until May 14, 2012, at 9:00 a.m.

Date: 2/7/2012



GARLAND E. BURRELL, JR.
United States District Judge