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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

SIERRA CLUB and FRIENDS OF THE WEST  
SHORE,

Plaintiffs,

v.

TAHOE REGIONAL PLANNING AGENCY,  
COUNTY OF PLACER, and BOARD OF  
SUPERVISORS OF THE COURT OF PLACER,

Defendants.

HOMEWOOD VILLAGE RESORTS, LLC and  
JMA VENTURES, LLC,

Defendants and  
Real Parties in Interest.

) Civil Case No.: 2:12-cv-00044-WBS-  
) CKD  
)  
) **STIPULATION AND [PROPOSED]**  
) **ORDER WITHDRAWING**  
) **PLAINTIFFS' MOTION TO**  
) **EXCLUDE EXTRA-RECORD**  
) **EVIDENCE FROM TAHOE**  
) **REGIONAL PLANNING**  
) **AGENCY'S ADMINISTRATIVE**  
) **RECORD AND SETTING**  
) **BRIEFING SCHEDULE FOR**  
) **CROSS-MOTIONS FOR**  
) **SUMMARY JUDGMENT**  
)  
) **Date: July 30, 2012**  
) **Time: 2:00 p.m.**  
) **Place: Courtroom 5**  
) **Judge: Hon. William B. Shubb**

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1 Pursuant to L.R. Civ. 143 and 144, this Stipulation is entered into by and between  
2 Plaintiffs Sierra Club and Friends of the West Shore; Defendant Tahoe Regional Planning Agency  
3 (“TRPA”); Defendants County of Placer and Board of Supervisors of the County of Placer  
4 (collectively “County”); and Defendants and Real Parties in Interest Homewood Village Resorts,  
5 LLC and JMA Ventures, LLC (collectively “Homewood”):

6 WHEREAS, on April 6, 2012, the County lodged its Administrative Record for the  
7 Homewood Mountain Resort Ski Area Master Plan Project (“project”) County approvals  
8 challenged in this action;

9 WHEREAS, on April 17, 2012, the Court issued a Status (Pretrial Scheduling) Order,  
10 which included a Motion Hearing Schedule setting deadlines for TRPA to lodge its administrative  
11 record for the project, motions regarding the administrative record, and cross-motions for summary  
12 judgment. The Court also set a November 14, 2012 hearing on cross-motions for summary  
13 judgment. Doc. No. 26 [“Status (Pretrial Scheduling) Order”];

14 WHEREAS, on May 15, 2012, TRPA lodged its administrative record consisting of  
15 materials that it had compiled, as well as the County’s administrative record, which it incorporated  
16 by reference;

17 WHEREAS, Plaintiffs objected to TRPA’s incorporation by reference of the County’s  
18 administrative record, and on June 5, 2012, filed a motion entitled “Motion to Exclude Extra-  
19 Record Evidence from Tahoe Regional Planning Agency’s Administrative Record” (Doc. No. 28  
20 [“Motion to Exclude”]) requesting that the Court order TRPA to specifically identify which  
21 documents in the County’s record were actually a part of the record that was before TRPA when it  
22 approved the project;

23 WHEREAS, on June 25, 2012, Plaintiffs filed an ex parte application requesting the Court  
24 to extend the deadline for Plaintiffs’ Motion for Summary Judgment until 30 days after resolution  
25 of the Motion to Exclude, *i.e.*, 30 days after Plaintiffs’ receipt of TRPA’s revised record or index  
26 (Doc. No. 29 [“Application”]);



- 1 2. Plaintiffs' Motion to Exclude Extra-Record Evidence from Tahoe Regional Planning  
2 Agency's Administrative Record (Doc. No. 28) currently set for hearing on July 30, 2012 is  
3 withdrawn.
- 4 3. Plaintiffs shall file their motion for summary judgment no later than August 9, 2012.
- 5 4. Defendants shall file their cross-motions for summary judgment and oppositions to  
6 plaintiffs' motion for summary judgment no later than September 7, 2012.
- 7 5. Plaintiffs shall file their reply to defendants' oppositions to the motion for summary  
8 judgment and oppositions to cross-motions for summary judgment no later than October 5,  
9 2012.
- 10 6. Defendants shall file their replies to plaintiffs' oppositions to cross-motions for summary  
11 judgment no later than October 26, 2012.
- 12 7. The parties shall lodge the joint appendix, which shall include hard copies of excerpts of  
13 those portions of the record cited in support of the parties' cross motions for summary  
14 judgment, with the Court no later than October 30, 2012.
- 15 8. In the event the Court determines it needs additional time to prepare for hearing the cross-  
16 motions for summary judgment, the parties stipulate and request that the Court continue the  
17 November 14, 2012 hearing to any time the week of November 26, 2012 or December 3,  
18 2012, or the earliest court date available at the Court's discretion.

19 Dated: July 11, 2012

Respectfully submitted,

20 /s/ Howard F. Wilkins III  
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Homewood Village Resorts, LLC and JMA Ventures,  
LLC*

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s/ Wendy S. Park (as authorized on 7/11/12)  
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*Counsel for Defendants County of Placer and Board of  
Supervisors of the County of Placer*

1 **ORDER**

2 The Court having read and considered the foregoing stipulation, and good cause appearing,  
3 it is ORDERED as follows:

- 4 1. TRPA’s Administrative Record shall be composed of the documents separately  
5 submitted by TRPA and all documents in the County’s administrative record excluding  
6 those documents identified in the index attached hereto as Exhibit A.
- 7 2. Plaintiffs’ Motion to Exclude Extra-Record Evidence from Tahoe Regional Planning  
8 Agency’s Administrative Record” (Doc. No. 28) is withdrawn and the July 30, 2012  
9 hearing is vacated.
- 10 3. Plaintiffs shall file their motion for summary judgment no later than August 9, 2012.
- 11 4. Defendants shall file their cross-motions for summary judgment and oppositions to  
12 plaintiffs’ motion for summary judgment no later than September 7, 2012.
- 13 5. Plaintiffs shall file their reply to defendants’ oppositions to the motion for summary  
14 judgment and oppositions to cross-motions for summary judgment no later than  
15 October 5, 2012.
- 16 6. Defendants shall file their replies to plaintiffs’ oppositions to cross-motions for  
17 summary judgment no later than October 26, 2012.
- 18 7. The parties shall lodge the joint appendix, which shall include hard copies of excerpts  
19 of those portions of the record cited in support of the parties’ cross motions for  
20 summary judgment, with the Court no later than October 30, 2012.
- 21 8. The hearing on the cross-motions for summary judgment shall be continued from  
22 November 14, 2012 at 9:00 a.m. to December 5, 2012 at 9:00 a.m.
- 23 9. Except as ordered herein the Status (Pretrial Scheduling) Order remains in place.

24 **IT IS SO ORDERED.**

25 DATED: July 12, 2012



26 WILLIAM B. SHUBB  
27 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the foregoing will be e-filed on July 11,  
3 2012, and will be automatically served upon counsel of record, all of whom appear to be  
4 subscribed to receive notice from the ECF system.

5  
6 /s/ Howard F. Wilkins III  
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