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20 **UNITED STATES DISTRICT COURT FOR THE**  
21 **EASTERN DISTRICT OF CALIFORNIA**

22 CONSERVATION CONGRESS and the )  
23 CITIZENS FOR BETTER FORESTRY, )

24 Plaintiffs. )

25 v. )

26 UNITED STATES FOREST SERVICE, )  
27 and the UNITED STATES FISH AND )  
28 WILDLIFE SERVICE, )

Defendants. )

CASE NO. 2:13-cv-934-JAM-DB

**STIPULATION TO LIFT STAY AND ORDER**

1 This stipulation to lift the stay of this litigation is entered into by Plaintiffs Conservation  
2 Congress and the Citizens For Better Forestry and Federal Defendants the United States Forest  
3 Service (“USFS”) and the United States Fish and Wildlife Service (“FWS”). By and through  
4 counsel, the parties state as follows:

5 WHEREAS on May 12, 2013, Plaintiffs filed the complaint initiating this litigation,  
6 alleging violations of the Endangered Species Act (“ESA”), the National Environmental Policy  
7 Act, and the National Forest Management Act in connection with the Pettijohn Late Successional  
8 Reserve Habitat Improvement and Fuels Reduction Project (“Pettijohn Project”) located in the  
9 Shasta-Trinity National Forest;

11 WHEREAS on June 27, 2013, the USFS requested additional consultation with the FWS  
12 on the Pettijohn Project pursuant to Section 7 of the ESA;

14 WHEREAS on July 8, 2013, the Court stayed this case on stipulation of the parties to  
15 allow for the USFS and FWS to complete the reinitiated section 7 consultation process and any  
16 attendant administrative process otherwise required by law;

17 WHEREAS on April 13, 2018, FWS issued a new superseding Biological Opinion and  
18 concluded the reinitiated consultation;

20 WHEREAS the parties submitted several joint status reports since that time, the most  
21 recent of which proposed deadlines for certain preliminary matters, including moving to lift the  
22 stay.

23 NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES AS  
24 FOLLOWS:

- 26 1. Upon entry of the Court’s Order approving this Stipulation, the stay will be lifted.
- 27 2. Plaintiffs shall file an amended complaint within **84 days** of the Court’s Order lifting  
28 the stay.

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3. Federal Defendants shall respond to the amended complaint within **42 days** of Plaintiffs filing of the amended complaint.
4. Federal Defendants shall lodge the administrative records within **28 days** of responding to the amended complaint.
5. The parties shall file a joint proposed briefing schedule to address any motions related to the administrative record and cross motions for summary judgment within **21 days** of the lodging of the administrative record.

Dated: July 3, 2019

Respectfully Submitted,

/s/ Sean T. Malone  
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*Attorneys for Federal Defendants*

**IT IS SO ORDERED:**

DATE: 7/8/2019

/s/ John A. Mendez  
Honorable John A. Mendez  
United States District Court Judge