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

CONSERVATION CONGRESS and the  
CITIZENS FOR BETTER FORESTRY,

Plaintiffs.

v.

UNITED STATES FOREST SERVICE,  
and the UNITED STATES FISH AND  
WILDLIFE SERVICE,

Federal Defendants,

and

AMERICAN FOREST RESOURCE  
COUNCIL,

Defendant-Intervenor.

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

**STIPULATED MOTION TO EXTEND  
DEADLINES RELATED TO MOTION TO  
SUPPLEMENT [ECF NO. 66]**

1 The parties respectfully submit this Stipulated Motion to Extend Deadlines Related to  
2 Motion to Supplement [ECF No. 66].

3 On January 6, 2020, the Court adopted the Stipulation of Joint Briefing Schedule and  
4 Order (First Scheduling Order), ECF No. 37, proposed by Plaintiffs and Federal Defendants.  
5 Under the First Scheduling Order, if Plaintiffs moved to supplement or complete the  
6 administrative records, the deadlines for briefing the parties' cross motions for summary  
7 judgment would be vacated and the parties would propose new summary judgment briefing  
8 deadlines following resolution of Plaintiffs' motion. *Id.* at 2.

9 Plaintiffs moved to supplement the administrative records on February 10, 2020 (First  
10 Motion to Supplement). ECF No. 38. Before ruling on the First Motion to Supplement, the  
11 Court granted American Forest Resource Council's motion to intervene as a defendant. ECF No.  
12 54. The Court then granted in part and denied in part the First Motion to Supplement, ECF No.  
13 55, and the parties proposed a summary judgment briefing schedule consistent with the First  
14 Scheduling Order, ECF No. 57. The Court adopted the parties' proposed briefing schedule  
15 (Second Scheduling Order), under which Plaintiffs' motion for summary judgment was due on  
16 September 4, 2020, ECF No. 58.

17 Plaintiffs filed their motion for summary judgment according to the Second Scheduling  
18 Order. ECF No. 61. Plaintiffs also concurrently filed another motion to supplement the  
19 administrative record (Second Motion to Supplement). ECF No. 66. The Second Scheduling  
20 Order did not contemplate such a motion. As a result, under Eastern District Local Rule 230,  
21 Federal Defendants' and Defendant-Intervenor's opposition to the motion would be due on  
22 September 18, 2020, and Plaintiffs' reply would be due on September 25, 2020. The parties,  
23 however, agree that it would be more efficient to merge the deadlines for the Second Motion to  
24 Supplement with the relevant deadlines in the Second Scheduling Order.<sup>1</sup> Accordingly, the  
25 parties respectfully request that the opposition and reply deadlines for the Second Motion to  
26

27 <sup>1</sup> In moving to merge these deadlines, Federal Defendants do not concede that the Second  
28 Motion to Supplement was properly filed and expressly reserve their right to argue that the  
Second Motion to Supplement is untimely under the Court's scheduling orders.

1 Supplement be extended as follows:

- 2 a. Federal Defendants' opposition to the Second Motion to Supplement is due on or  
3 before October 9, 2020.
- 4 b. Defendant-Intervenor's opposition to the Second Motion to Supplement is due on or  
5 before October 23, 2020.
- 6 c. Plaintiffs' reply in support of the Second Motion to Supplement is due on or before  
7 November 6, 2020.
- 8
- 9

10 Dated: September 9, 2020

Respectfully Submitted,

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24 **IT IS SO ORDERED:**

25 DATED: September 10, 2020

26 /s/ John A. Mendez  
27 THE HONORABLE JOHN A. MENDEZ  
28 UNITED STATES DISTRICT COURT JUDGE