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19 UNITED STATES DISTRICT COURT
20 FOR THE EASTERN DISTRICT OF CALIFORNIA
21 SACRAMENTO DIVISION
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1 CONSERVATION CONGRESS,

2 Plaintiff,

3 v.

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5 UNITED STATES FOREST SERVICE, and
6 UNITED STATES FISH AND WILDLIFE
7 SERVICE,

8 Defendants,

9 and

10 TRINITY RIVER LUMBER COMPANY, a
11 California Corporation,

12 Defendant-Intervenor.

No. 2:13-cv-01977-JAM-KJN

**STIPULATION AND ORDER MODIFYING
BRIEFING AND HEARING SCHEDULE**

13 Pursuant to L.R. 143 and 144, the undersigned parties hereby stipulate to the following
14 adjustments to the briefing and hearing schedule in this case, which would extend certain deadlines and
15 the hearing date:

Deadline	Current date	New date
Plaintiff's Motion for Summary Judgment (not to exceed 30 pages)	July 6, 2016	July 29, 2016
Federal Defendants' Opposition and Cross-Motion for Summary Judgment (30 pages)	August 10, 2016	September 9, 2016
Defendant-Intervenor's Opposition and Cross-Motion for Summary Judgment (20 pages)	August 17, 2016	September 16, 2016
Plaintiff's Combined Opposition/Reply (30 pages)	September 1, 2016	October 3, 2016
Federal Defendants' Reply (15	September 15, 2016	October 19, 2016

1	pages)		
2	Defendant-Intervenor's Reply (10 pages)	September 15, 2016	October 19, 2016
3	Hearing	November 1, 2016 at 1:30 p.m.	December 13, 2016 at 1:30 p.m.

6 The changes are requested in order to accommodate paternity leave for defendant-intervenor's
7 counsel, which would otherwise conflict with preparation and filing of defendant-intervenor's opening
8 brief, and to give additional time to the other parties for preparation of their briefs. In the event the
9 Court wishes to maintain the current hearing date, the parties do not object; however, the parties have
10 suggested a later hearing date in order to maintain the existing length of time between completion of
11 briefing and the hearing, and because not all parties are available on November 15, the next available
12 hearing date after November 1. Additionally, in the event that the Court approves this stipulation the
13 parties agree that the current suspension on implementation of the Smokey Project shall remain in place
14 until February 13, 2017 or until the Court issues an order resolving the parties' cross-motions for
15 summary judgment, whichever is earlier. Trinity reserves its appellate rights regarding previous orders
16 relating to the suspension but does not intend to seek further modification of the suspension from this
17 Court or any other Court prior to completion of summary-judgment proceedings in this case.

19 The parties have not jointly requested a previous continuance of the briefing schedule. Plaintiff
20 previously requested *ex parte*, and obtained, a 60-day continuance of the merits briefing schedule. *See*
21 Dkt. 89, 93.

23 Accordingly, the parties request the Court approve this Stipulation, and enter the proposed
24 changes to the briefing and hearing schedule.

25 Respectfully submitted this 24th day of May, 2016.

26 /s/ Steven Sugarman (by LEF as authorized
27 5/23/2016)

JOHN C. CRUDEN
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/s/ Andrea Gelatt (by LEF as authorized
5/24/2016)

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Attorneys for Federal Defendants

15 The Court having considered the Stipulation of the parties, **IT IS SO ORDERED**

16 Dated: 5/24/2016

/s/ John A. Mendez

Hon. John A. Mendez
United States District Court Judge