1 BENJAMIN B. WAGNER United States Attorney 2 GREGORY T. BRODERICK Assistant United States Attorney 501 I Street, Suite 10-100 3 Sacramento, CA 95814 4 Telephone: (916) 554-2700 Facsimile: (916) 554-2900 5 Attorneys for Defendants 6 7 8 9 DENNIS D. MURPHY Plaintiff. 10 v. 11 UNITED STATES FOREST SERVICE: TOM TIDWELL, in his official capacity as 12 Chief of the United States Forest Service: and NANCY J. GIBSON, in her official 13 capacity as Forest Supervisor of the United States Forest Service, 14 **Defendants** 15 16

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IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

CASE NO. 13-cv-02315-GEB-AC

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Plaintiff served its Complaint in this matter on November 13, 2013. Pursuant to Federal Rule of Civil Procedure 4(i), Defendants' responsive pleading was due on January 13, 2014. The parties stipulated to an extension of 15 days, up to and including January 28, 2014, for Defendants to respond. In submitting the Joint Status Report, Plaintiff indicated that he would amend their Complaint to add claims, and filed a First Amended Complaint on February 6, 2014. (Dkt. No. 13) Defendants' response is presently due on or about February 20, 2014. The Court entered a Scheduling Order in this matter requiring Plaintiff to file a motion for summary judgment on or before September 22, 2014, and Defendants' to file any cross-motion by October 20, 2014. (Dkt. No. 14).

Since the filing of the Joint Status Report, the parties have engaged in settlement talks and have exchanged drafts of a written term sheet. Although there are still areas of disagreement, the parties have advanced discussions considerably and anticipate that a resolution may be possible without further litigation. Resolution without further use of the Court's resources would appear to be good cause to further extend the time for Defendants to respond to Plaintiff's First Amended Complaint. 1 STIPULATION AND PROPOSED ORDER TO EXTEND TIME TO RESPOND TO FIRST AMENDED COMPLAINT

Wherefore, pursuant to Local Rule 144, the parties hereby stipulate, through undersigned counsel of record, to an extension of approximately sixty (60) days for Defendants to respond to Plaintiff's First Amended Complaint up to and including April 8, 2014. This should permit the parties sufficient time to either resolve the matter, or to determine that resolution is impractical and to move forward with litigation. No other dates in the Scheduling Order need be extended or modified to accommodate this extension.

Respectfully submitted,

DATED: February 19, 2014

By <u>/s/ Paul S. Weiland</u> Attorney for Plaintiff

BENJAMIN B. WAGNER United States Attorney

By: /s/ Gregory T. Broderick
GREGORY T. BRODERICK
Assistant United States Attorney

IT IS SO ORDERED.

Dated: February 25, 2014

Senior United States District Judge