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7 **IN THE UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 DENNIS D. MURPHY

10 Plaintiff,

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

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

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

16 The parties seek an order from this Court extending the time for the United States to respond to
17 Plaintiff's First Amended Complaint so that the parties may continue to prepare the terms of a draft
18 settlement agreement fully resolving the case.

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

27 After filing of the Joint Status Report, the parties engaged in settlement talks and exchanged
28 drafts of a written term sheet. This Court then granted a further extension up to and including April 8,

1 2014. (*See* Dkt. No. 21.) Although there are still areas where precise language must be agreed-upon,
2 the parties have made substantial progress on core terms, and continue to anticipate that resolution is
3 probable without further litigation. Resolution without further use of the Court’s resources would
4 appear to be good cause to further extend the time for Defendants to respond to Plaintiff’s First
5 Amended Complaint.

6 Wherefore, pursuant to Local Rule 144, the parties hereby stipulate, through undersigned counsel
7 of record, to an extension of seventeen (17) days for Defendants to respond to Plaintiff’s First Amended
8 Complaint up to and including April 25, 2014. Barring unexpected disagreements, this should permit
9 the parties sufficient time to work out a written agreement or to determine that resolution is impractical
10 and to move forward with litigation. No other dates in the Scheduling Order need be extended or
11 modified to accommodate this extension.

12 Respectfully submitted,

13 DATED: April 8, 2014

14 By /s/ Paul S. Weiland
15 Attorney for Plaintiff

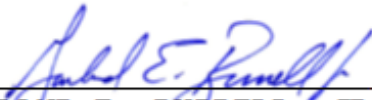
16 BENJAMIN B. WAGNER
17 United States Attorney

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

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IT IS SO ORDERED.

Dated: April 9, 2014



GARLAND E. BURRELL, JR.
Senior United States District Judge