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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 negotiate and prepare the terms
18 of a draft 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.) On that date, the parties sought, and the Court later approved, a further
2 extension to April 25, 2014. (See Dkt. Nos. 22-23.) Although there are still areas where precise
3 language must be agreed-upon, the parties have exchanged “red-line” settlement drafts and are
4 negotiating language on agreed-upon concepts; thus, they continue to anticipate that resolution is
5 probable without further litigation. Resolution without further use of the Court’s resources would
6 appear to be good cause to further extend the time for Defendants to respond to Plaintiff’s First
7 Amended Complaint.

8 Wherefore, pursuant to Local Rule 144, the parties hereby stipulate, through undersigned counsel
9 of record, to an extension of seventeen (17) days for Defendants to respond to Plaintiff’s First Amended
10 Complaint up to and including May 12, 2014. This should permit the parties sufficient time to finalize a
11 written agreement or to determine that resolution is impractical at this time, and to move forward with
12 litigation. No other dates in the Scheduling Order need be extended or modified to accommodate this
13 extension.

14 Respectfully submitted,

15 DATED: April 25, 2014

16 By /s/ Paul S. Weiland
17 Attorney for Plaintiff

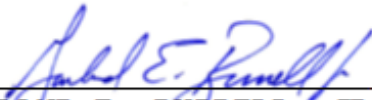
18 BENJAMIN B. WAGNER
19 United States Attorney

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

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IT IS SO ORDERED.

Dated: April 25, 2014



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