

1 BENJAMIN B. WAGNER
United States Attorney
2 GREGORY T. BRODERICK
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900

5 Attorneys for Defendants
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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

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

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

15
16 The parties seek an order from this Court further extending the time for the United States to
17 respond to Plaintiff's First Amended Complaint so that the parties may continue to negotiate and prepare
18 the terms 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.) The Court later approved a further extension to
3 May 12, 2014. (Dkt. No. 25).

4 The parties are down to negotiating the language of the last few terms to the proposed settlement
5 agreement. Given the Forest Service's commitment not to cut trees before Labor Day, as well as the fact
6 that the parties are closing in on a final agreement, they propose a further extension of sixteen (16) days,
7 up to and including May 28, 2014, for Defendants to respond to Plaintiff's First Amended Complaint.
8 No other dates in the Scheduling Order need be extended or modified to accommodate this extension.

9 Respectfully submitted,

10 DATED: May 12, 2014

11 By /s/ Paul S. Weiland
12 Attorney for Plaintiff

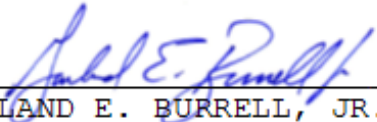
13 BENJAMIN B. WAGNER
14 United States Attorney

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

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IT IS SO ORDERED.

Dated: May 15, 2014



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