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6
 7 **IN THE UNITED STATES DISTRICT COURT**
 8 **EASTERN DISTRICT OF CALIFORNIA**

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

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

STIPULATION AND]
ORDER TO CONTINUE BRIEFING
SCHEDULE ON SUMMARY
JUDGMENT

15
 16 The parties seek an order from this Court continuing the briefing schedule by approximately two
 17 weeks. Plaintiff filed his motion for summary judgment on December 8, 2015, in accordance with the
 18 Court's previously adopted briefing schedule. (Dkt. No. 67). Pursuant to the current briefing schedule,
 19 the United States' opposition to that motion, and any cross-motion, are due January 7, 2015, Plaintiff's
 20 Opposition and Reply are due January 28, 2016, and Defendants' Reply is due February 15, 2016. *See*
 21 Status Order, Dkt. No. 58. The hearing is set for March 7, 2016, at 9 a.m. Since Plaintiff's motion was
 22 filed, counsel for the United States was unexpectedly set for trial before Judge England, and also learned
 23 that key Forest Service personnel would be unavailable during the final two weeks of the year to assist
 24 with the opposition to Plaintiff's motion and preparation of the United States' own motion. Their
 25 assistance is necessary in this matter, which involves a challenge to an administrative decision regarding
 26 matters that include technical/scientific expertise.

27 The parties commit to act diligently, both to narrow the disputes and to present the Court with
 28 the most helpful papers on the issues that are in dispute. In order to further those aims and to efficiently

1 resolve this matter, the parties hereby stipulate as follows:

- 2 1. That the date for the Defendants opposition and any cross-motion be continued by two
- 3 weeks, up to and including January 21, 2016;
- 4 2. That Plaintiff's Opposition and reply be continued to February 11, 2016;
- 5 3. That the United States' reply on any cross motion be continued to February 29, 2016;
- 6 4. That the hearing on Plaintiff's motion, and any cross-motion, be continued to March 21,
- 7 2016, at 9 a.m., if that date is available and convenient for the Court. If not, the parties propose that the
- 8 matter be heard on the first date that the Court is available thereafter.

9 In addition, there have been lingering discovery disputes that the parties are working to resolve
10 informally. To that end, Defendants will also agree to present Plaintiff's with a privilege log by
11 February 10, 2016.

12 The parties submit that this schedule will permit them to brief this matter in a manner that will be
13 more useful to the Court and aid its decision-making process in this case. In addition, there is virtually
14 no risk of a material change in circumstances in the meantime, because the authorization for the
15 challenged project has been withdrawn, and there have been no on-the-ground activities for more than
16 one year. There is thus good cause for the continuance, and the Court should grant it.

17 Respectfully submitted,

18 DATED: December 31, 2015

19 By /s/ Paul S. Weiland (auth. 12/31/2015)
20 Attorney for Plaintiff

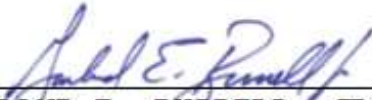
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23 By: /s/ Gregory T. Broderick
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IT IS SO ORDERED.

Dated: January 4, 2016



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