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CALIFORNIA SPORTFISHING
7 PROTECTION ALLIANCE

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
12 corporation,

13 Plaintiff,

14 vs.

15 FOREVER RESORTS, LLC, LAKE
OROVILLE MARINA, LLC, BILL
16 HARPER AND REX MAUGHAN,

17 Defendants.

Case No. 2:16-cv-01595-MCE-EFB

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22 **STIPULATION AND ORDER RE**
DISCOVERY SCHEDULE

23 **WHEREAS**, Plaintiff California Sportfishing Protection Alliance (“Plaintiff”) filed
24 its complaint (“Complaint”) in this action on July 12, 2016;

25 **WHEREAS**, Plaintiff and Defendants Forever Resorts, LLC, Lake Oroville Marina,
26 LLC, Bill Harper, and Rex Maughan (“Defendants”) reached agreement and executed a
27 [Proposed] Consent Agreement (“Settlement”) on or about December 2, 2016;

28 **WHEREAS**, The United States Department of Justice reviewed the Settlement and

1 submitted a letter expressing no objection on January 19, 2017;

2 **WHEREAS**, Plaintiff submitted the Settlement to the Court for approval pursuant to
3 the requirements of Proposition 65 on December 6, 2016, and the Court denied the motion to
4 approve the settlement on February 9, 2017;

5 **WHEREAS**, the Parties no longer have a settlement agreement and are actively
6 engaged in negotiating a new agreement addressing the denial and other matters that have
7 arisen since the original agreement reached on or about December 2, 2016;

8 **WHEREAS**, the Court has ordered that all discovery shall be completed no later than
9 July 12, 2017, three hundred sixty-five (365) days from the filing of the original complaint in
10 the action pursuant to the Initial Pretrial Order. Docket No. 3.

11 **WHEREAS**, this case management schedule has not been modified to reflect the
12 Parties' prior settlement agreement and the cessation of the litigation, the 45-day statutory
13 review period for agency review of the agreement, the time required for the Court to
14 adjudicate the Motion to Approve the Proposition 65 Settlement, and most importantly, the
15 Parties' continuing settlement efforts and the time anticipated to again facilitate the
16 mandatory agency review period for the new settlement; and,

17 **WHEREAS**, the current case management schedule is untenable because it would
18 force the Parties to divert their resources into meeting the approaching discovery deadlines
19 instead of applying those resources to the more productive efforts of reaching another
20 settlement.

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22 **THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED** by and among
23 the Parties that:

- 24 (1) the Initial Pretrial Order be modified to continue the Rule 26 conference deadline
25 from October 21, 2016 to July 21, 2017;
- 26 (2) the close of non-expert discovery shall be continued from July 12, 2017 to July
27 12, 2018.
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Dated: April 6, 2017

LAW OFFICES OF ANDREW L. PACKARD
By: /s/ Andrew L. Packard

Andrew L. Packard
Attorneys for Plaintiff
CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

Dated: April 6, 2017

BRADY & VINDING
By: /s/ Michael E. Vinding

(As authorized on April 6, 2017)
Attorneys for Defendants
FOREVER RESORTS, LLC, LAKE
OROVILLE MARINA, LLC, BILL
HARPER AND REX MAUGHAN


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ORDER

Pursuant to the stipulation of the parties and good cause appearing, it is hereby ordered that the Initial Pretrial Scheduling Order (ECF No. 3) shall be modified as follows: (1) the Rule 26 conference deadline shall be continued from October 21, 2016 to July 21, 2017; and (2) the close of non-expert discovery shall be continued from July 12, 2017 to July 12, 2018.

IT IS SO ORDERED.

Dated: April 12, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE