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7 Attorneys for Defendants  
 8 CEMEX Construction Materials Pacific, LLC

9 UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

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

13 Plaintiff,

14 vs.

15 CEMEX CONSTRUCTION MATERIALS  
 16 PACIFIC, LLC., a Delaware corporation

17 Defendant.

Case No. 2:17-cv-00272-MCE-CKD

**JOINT STIPULATION TO EXTEND  
 TIME TO RESPOND TO INITIAL  
 COMPLAINT BY 60 ADDITIONAL  
 DAYS; ORDER**

**District Judge Morrison C. England, Jr.  
 Magistrate Judge Carolyn K. Delaney**

Complaint filed: February 8, 2017  
 Current response date: October 27, 2017  
 New response date: December 26, 2017

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 20 WHEREAS, the complaint in this action was filed on February 8, 2017 (“Complaint”) by  
 21 plaintiff The California Sportfishing Protection Alliance (“Plaintiff”) against defendant CEMEX  
 22 Construction Materials Pacific, LLC (“Defendant”);

23 WHEREAS, Defendant waived service on May 2, 2017;

24 WHEREAS, pursuant to Local Rule 144, Plaintiff and Defendant stipulated to extend  
 25 Defendant’s time to respond to the Complaint by 28 days on June 28, 2017;

26 WHEREAS, Judge England granted the Parties’ Stipulation for Order Extending Time on  
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July 31, 2017;

WHEREAS, Plaintiff and Defendant stipulated to extend Defendant’s time to respond to the Complaint by an additional 60 days on August 23, 2017.

WHEREAS, Judge England granted the Parties’ Joint Stipulation for Order to Extend Time to Respond to Initial Complaint on August 28, 2017.

WHEREAS, Defendant must currently respond to the Complaint by October 27, 2017;

WHEREAS, Plaintiff and Defendant have agreed on material terms of settlement and have drafted the written settlement agreement;

WHEREAS, the settlement agreement must now be reviewed by the United States Department of Justice;

WHEREAS, in light of ongoing settlement discussions, the parties believe it to further the interests of judicial economy to extend the time for Defendant to respond to the Complaint by an additional 60 days; and

THEREFORE, Plaintiff and Defendant hereby stipulate that Defendant may respond to the Complaint by no later than December 26, 2017.

**IT IS SO STIPULATED.**

[Signatures on Next Page]

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Dated: October 26, 2017

MITCHELL CHADWICK LLP

By: /s/ Patrick G. Mitchell  
PATRICK G. MITCHELL  
SARAH M. TAYLOR

Attorneys for Defendant  
CEMEX Construction Materials Pacific,  
LLC.

Dated: October 26, 2017

LOZEAU DRURY LLP

By: /s/ Douglas J. Chermak (as authorized on  
October 26, 2017)  
MICHAEL R. LOZEAU  
DOUGLAS J. CHERMAK

Attorneys for Plaintiff  
The California Sportfishing Protection  
Alliance

{00032250;1 }


1 **ORDER**

2 Having read and considered the Joint Stipulation for Order Extending Time to  
3 Respond to Initial Complaint of CEMEX CONSTRUCTION MATERIALS PACIFIC, LLC  
4 (“Defendant”) and THE CALIFORNIA SPORTFISHING PROTECTION ALLIANCE  
5 (“Plaintiff”), and good cause appearing therefore,

6 IT IS SO ORDERED that the stipulation is granted as follows:  
7 Defendant shall have an extension of time, up to and including December 26, 2017, to file a  
8 responsive pleading to Plaintiff’s initial complaint.

9 IT IS SO ORDERED.

10 **Dated: October 30, 2017**

11   
12 MORRISON C. ENGLAND, JR.  
13 UNITED STATES DISTRICT JUDGE