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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

_____)	
)	
CENTER FOR BIOLOGICAL DIVERSITY, et al.,)	Civil Action No. 3:03-cv-4350 (EMC)
)	
Plaintiffs,)	
v.)	
)	JOINT STATUS REPORT AND
CHUCK HAGEL, Secretary of Defense, et al.)	STIPULATED SCHEDULING ORDER
)	
Defendants.)	
_____)	

WHEREAS, on April 14, 2014, defendants notified the Court of their having completed “U.S. Marine Corps Recommended Findings” under Section 402 of the National Historic Preservation Act (“NHPA”), 16 U.S.C. § 470a-2, and an “ACTION MEMO” by Major General Juan Ayala, Assistant Deputy Commandant, I&L (Facilities) of the United States Marine Corps, signed and approved by Donald R. Schregardus, Deputy Assistant Secretary of the Navy (Environment) (ECF No. 151);

WHEREAS, in that Notice, defendants stated that “[t]he parties will meet and confer as to what if any additional proceedings in this matter are necessary and will report their conclusions, by way of a Joint Status Report, when a new Judge has been assigned to the case”;

WHEREAS, by Order dated August 5, 2014, the Court assigned Judge Hon. Edward M. Chen for all further proceedings in the case (ECF No. 154);

WHEREAS On July 31, 2014, plaintiffs filed a NOTICE OF MOTION and MOTION FOR LEAVE TO FILE FIRST SUPPLEMENTAL COMPLAINT (ECF No. 152);

WHEREAS the parties have conferred and reached an amicable agreement on a schedule that will, if approved by the Court, govern the next steps in the litigation;

1 NOW, THEREFORE, the parties agree as follows, and respectfully request that the Court sign
2 and enter this Stipulated Scheduling Order as an Order of the Court:

- 3 1. Defendants will not oppose plaintiffs' July 31, 2014, Motion For Leave To File First
4 Supplemental Complaint (ECF No. 152) which may be, and hereby is, GRANTED;
- 5 2. Defendants shall have forty-five (45) days from the date of entry of this order to file
6 an Answer to, or otherwise respond to, Plaintiffs' First Supplemental Complaint;
- 7 3. In the event defendants respond to Plaintiffs' First Supplemental Complaint by filing
8 a motion to dismiss that complaint, in whole or in part:
 - 9 a. Plaintiffs shall have twenty-one (21) days to file a memorandum in opposition
10 to defendants' motion to dismiss;
 - 11 b. Defendants shall have fourteen (14) days to file a memorandum in reply to
12 plaintiffs' opposition;
 - 13 c. In the event the Court denies defendants' motion to dismiss, in whole or in
14 part, defendants shall lodge with the Court the administrative record of the
15 decisions challenged by Plaintiffs' First Supplemental Complaint within forty-
16 five (45) days of the entry of the Court's Order denying the motion to dismiss;
- 17 4. In the event defendants file an Answer to Plaintiffs' First Supplemental Complaint,
18 rather than a motion to dismiss, defendants shall lodge with the Court the
19 administrative record of the decisions challenged by Plaintiffs' First Supplemental
20 Complaint within forty-five (45) days of filing their Answer.
- 21 5. In computing time periods under this Stipulated Scheduling Order, whenever the
22 event that triggers a deadline is a filing through the Court's ECF system, Fed.R.Civ.P.
23 6(d) shall not apply.
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Dated: August 7, 2014

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Respectfully submitted,
SAM HIRSCH
Acting Assistant Attorney General

/s/ Peter Kryn Dykema
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Environmental Lawyers Federation, Save The
Dugong Foundation, Anna Shimabukuro, Takuma
Higashionna, and Yoshikazu Makishi*

SO ORDERED, this 8th day of August, 2014

United States District Judge Howard M. Chen



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