

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

CENTER FOR BIOLOGICAL DIVERSITY;)
TURTLE ISLAND RESTORATION)
NETWORK; JAPAN ENVIRONMENTAL) Civil Action No. 3:03-cv-4350 (EMC)
LAWYERS FEDERATION; SAVE THE)
DUGONG FOUNDATION; ANNA) STIPULATION MODIFYING DEADLINE
SHIMABUKURO; TAKUMA) FOR COMPIATION OF
HIGASHIONNA; and YOSHIKAZU) ADMINISTRATIVE RECORD ; ORDER
MAKISHI,)
Plaintiffs,) (National Historic Preservation Act, 16 U.S.C.
v.) §§ 470 et seq.)
JAMES MATTIS, in his official capacity as the)
Secretary of Defense; and US Department of)
Defense,)
Defendants.)

On February 9, 2018, the Parties updated the Court on the status of the discussions regarding compilation of the administrative record and stipulated that the time for filing objections to the record be postponed until March 2, 2018 to allow the Parties to continue to seek agreement. The Parties further stipulated that the briefing schedule for substantive motions be stayed until any administrative record motions are resolved and that the May 24, 2018 hearing date be cancelled pending agreement on an amended briefing schedule. On February 13, 2018, the Court entered an order modifying the deadline for compilation of the administrative record and staying the briefing schedule according to the Parties' stipulation. The Court also ordered the Parties to file an updated briefing and hearing schedule by February 28, 2018. However, neither Counsel for Plaintiffs nor Counsel for Defendants noticed this addition to the stipulation until 3:30 pm PST / 6:30 pm EST on February 28, 2018.

Counsel have conferred by email and telephone and have resolved all but one of the issues in dispute: disclosure of the identities of individuals interviewed for an Anthropological Report on which the Department of Defense relied in making its National Historic Preservation Act determination. The Parties are currently negotiating a protective order that would allow the

1 Department of Defense to release this information, but have not yet reached agreement on the terms.
2 The Parties stipulate that the March 2, 2018 deadline for filing objections to the record be postponed
3 until March 23, 2018, to allow the Parties to continue to seek agreement.

4 The Parties have not yet discussed a briefing and hearing schedule for substantive motions.
5 Moreover, lead counsel for the Department of Defense is traveling and is not available to provide
6 input on a proposed schedule. The Parties will confer and, no later than March 9, 2018, will propose
7 a briefing and hearing schedule for cross-motions for summary judgment.

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9 Dated: February 28, 2018.

10 Respectfully submitted,

11 */s/ Sarah H. Burt*

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25 */s/ Taylor N. Ferrell*

26 PETER KRYN DYKEMA (D.C. Bar # 419349)

27 TAYLOR N FERRELL (D.C. Bar # 498260)

28 IT IS SO ORDERED that Trial Attorneys

the 5/24/18 hearing Natural Resources Section

remains in place 601 D Street, NW

until a revised Washington, D.C. 20004

stipulated briefing Dykema Tel.: (202) 305 0436

schedule is submitted Ferrell Tel.: (202) 305-0874

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