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	) Hearing Date: June 28, 2018
	SHIMABUKURO; TAKUMA	) Time: 1:30 pm
	HIGASHIONNA; and YOSHIKAZU	) Courtroom: 5
	MAKISHI,	
	Plaintiffs,	JOINT STIPULATION REQUESTING STAY OF BRIEFING ON REMEDY
	v.	) <u>STAT OF BRIEFING ON REMEDT</u>
	JAMES MATTIS, in his official capacity as the	(National Historic Preservation Act, 16 U.S.C
	Secretary of Defense; and US Department of	§§ 470 et seq.)
	Defense,	)
	Defendants.	
		)
- 1	I .	

- 1. On March 9, 2018, the Court entered an Order adopting, with modifications, the parties' proposed briefing schedule in this matter. ECF No. 218. The proposed briefing schedule submitted by the Parties did not address briefing on remedy.
- 2. On April 28, 2018, Plaintiffs filed their Motion for Summary Judgment (ECF No. 221), on May 11, 2018, Defendants filed their Opposition and Cross-motion for Summary Judgment (ECF No. 222), and on May 25, 2018, Plaintiffs filed their reply brief (ECF No. 223). Defendants' reply brief is due on June 1, 2018.
- 3. The parties' respective opening briefs each referenced Plaintiffs' request "to enjoin DoD from taking actions in furtherance of the FRF project until DoD remedies the flaws in its process," but neither party included in its brief substantive arguments addressing Plaintiffs' requested injunction.
- 4. The parties have conferred and agree that it is in the best of interest of the efficient disposition of this case for the parties to reserve further arguments on the appropriate remedy until after this Court has ruled on the merits of Plaintiffs' National Historic Preservation Act claim.
  - 5. The parties respectfully request that the Court defer consideration of Plaintiffs'

STIPULATION REQUESTING STAY OF REMEDY BRIEFING CASE NO. 3:03-cv-4350-EMC

1	request for injunctive relief and that the Court order the parties to propose a separate briefing	
2	schedule on the appropriate remedy, if Plaintiffs prevail on their Motion for Summary Judgment.	
3	Dated: May 31, 2018.	
4		
5	Respectfully submitted,	
6	/s/ Sarah Burt (by consent, TNF) SARAH H. BURT (CA Bar # 250378)	
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14	Acting Assistant Attorney Environment and Natural Resources Division General	
15		
16	<u>/s/ Taylor Ferrell</u> PETER KRYN DYKEMA (D.C. Bar # 419349)	
17	TAYLOR N FERRELL (D.C. Bar # 498260) Trial Attorney, U.S. Department of Justice Environment and	
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22	Peter.Dykema@usdoj.gov	
23	Counsel for Federal Defendants	
24	PURSUANT TO STIPULATION, IT IS SO ORDERED this _31stday of _May, 2018	
25		
26	STES DISTRICT	
27		
28	IT IS SO ORDERED thick Judge Hon. Edward M. Chen	
	STIPULATION REQUESTING STAY OF REMEDY BRIEFING CASE NO. 3:03-cv-4350-EMC	