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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,

No. C 06-4884 SI

Plaintiff,

**ORDER RE BRIEFING SCHEDULE**

v.

US BUREAU OF LAND MANAGEMENT,

Defendant.

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Plaintiffs' motion for attorneys fees was filed on July 18, 2011. The parties originally set the hearing on the motion for October 7, 2011, some 12 weeks after its filing. Because the Court's final substantive order in this case was issued in January, 2011, and because the parties have previously sought and received many extensions of time to file these briefs, the Court was unwilling to set the hearing so far in the future. Accordingly, the Court moved the hearing date up to September 2, 2011, with opposition briefs due August 1, 2011 and reply briefs due August 8, 2011.

Counsel now seek an order moving the hearing back to where they had set it, on October 7, 2011.<sup>1</sup> They also seek a briefing schedule such that defendants' opposition briefs would be due September 16, 2011, and plaintiffs' reply briefs would be due September 30, 2011.

The reasons for the requested delay are two-fold. On the one hand, the parties state that they wish to engage in further "discussions" to "reach an agreement on attorneys' fees and costs," if possible.<sup>2</sup> On the other hand, counsel for the Federal Defendants has several other briefs due and

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<sup>1</sup> "Or at the next suitable date on the Court's calendar" – presumably even later.

<sup>2</sup> This is the same reason given on each of the three prior occasions that the parties sought extensions of the filing deadline.

1 hearings set before August 1, 2011, “so responding to Plaintiffs’ motions and extensive supporting  
2 documentation on that date would be exceptionally difficult.”<sup>3</sup>

3 In light of counsels’ schedule, the Court will modify the briefing in this case as follows:

4 Defendants’ opposition briefs due August 17, 2011

5 Plaintiffs’ reply briefs due August 29, 2011

6 Hearing September 9, 2011

7 **IT IS SO ORDERED.**

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9 Dated: July 21, 2011



SUSAN ILLSTON  
United States District Judge

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27 <sup>3</sup> “Recognizing the Court’s interest in resolving this matter expeditiously,” counsel suggest that  
28 the Court impose a “deadline” of September 15, 2011 for the parties to reach agreement on fees and costs, if possible; and that, if agreement is not possible, the Federal Defendants be required to file their opposition briefs on September 16, 2011. This would appear to leave counsel for the Federal Defendants one day to respond to plaintiffs’ “motions and extensive supporting documentation.”