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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, a non-profit corporation;

Plaintiff,

v.

ENVIRONMENTAL PROTECTION
AGENCY *et al.*,

Defendants.

Case No: C-07-02794-JCS

**EIGHTH JOINT CASE MANAGEMENT
STATEMENT AND REQUEST FOR
CONTINUANCE; PROPOSED ORDER**

Date: September 19, 2008
Time: 1:30 p.m.
Courtroom A, 15th Floor

Honorable Joseph C. Spero

EIGHTH JOINT CASE MANAGEMENT STATEMENT

The parties to the above-entitled action submit this Eighth Joint Case Management Statement, Request for Continuance, and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

REQUEST FOR CMC CONTINUANCE

On September 21, 2007, the Court held a case management conference in this matter. At the

1 CMC, counsel for plaintiff and defendants stated their preference for pursuing settlement rather than
2 moving forward with briefing on the allegations in Plaintiff's complaint that Defendants are
3 currently in violation of Section 7 of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(2),
4 regarding the impacts of certain pesticide registrations (as specifically identified in the Complaint)
5 on eleven endangered and threatened species occurring in the San Francisco Bay Area.

6 Since the September 21, 2007 CMC, the parties have exchanged settlement proposals and
7 discussed the potential for settlement of this case. On October 16, 2007, the parties submitted a
8 Second Joint Case Management Statement and requested additional time for settlement discussions.
9 On October 22, 2007, the Court continued the case management conference until November 30,
10 2007. On November 20, 2007, the parties submitted their Third Joint Case Management Statement
11 requesting additional time to negotiate settlement, and on November 21, 2007, the Court continued
12 the case management conference until January 18, 2008. On January 11, 2008, the parties submitted
13 their Fourth Joint Case Management Statement requesting additional time to negotiate settlement,
14 and on January 14, 2008, the Court continued the case management conference until March 14,
15 2008.

16 On March 14, 2008, a Case Management Conference was held, as well as a Motion Hearing on
17 Proposed Intervenor Defendants' Motions to Intervene. On March 19, 2008, the Court issued an Order
18 granting in part and denying in part the Motions to Intervene and consequently, Intervenor Defendants
19 CropLife America, RISE-Responsible Industry for a Sound Environment, and Reckitt Benckiser are now
20 involved in the remedy phase of this case.

21 Since March, the parties have discussed further settlement proposals and believe significant
22 progress has been made. In May and July, the parties submitted their Sixth and Seventh Case
23 Management Statements which the Court adopted. Since then, further discussions have been held
24 and additional progress made. However, new issues have recently been added to the discussions, and
25 consequently, at this time, the parties believe a continuance of the CMC currently scheduled for
26
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1 September 19, 2008, would be beneficial in allowing the parties to continue their settlement
2 discussions. The parties therefore jointly request a continuance of the CMC currently scheduled for
3 September 19, 2008, at 1:30 p.m. to November 21, 2008.
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6 DATED: September 12, 2008

/s/ Justin Augustine
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RISE-Responsible Industry for a Sound Environment

1 **CASE MANAGEMENT ORDER**

2 The Case Management Statement and Proposed Order is hereby adopted by the Court as the
3 Case Management Order for the case.

4
5 IT IS HEREBY ORDERED THAT:

6 1. The case management conference scheduled for September 19, 2008 is continued to
7 November 21, 2008 at 1:30 p.m..

8 2. An updated joint case management conference statement shall be due by November
9 14, 2008.

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12 IT IS SO ORDERED

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14 Dated: September 15, 2008.

