

1 IGNACIA S. MORENO
 Assistant Attorney General
 2 ALISON D. GARNER (DC Bar No. 983858)
 KATHRYN M. LIBERATORE (NY Bar No. 4317780)
 3 Trial Attorneys
 U.S. Department of Justice
 4 Environment & Natural Resources Division
 Natural Resources Section
 5 601 D Street, NW,
 Washington, D.C., 20004
 6 Telephone: (202) 514-2855
 Telephone: (202) 616-5082
 7 Facsimile: (202) 305-0506
 alison.garner@usdoj.gov
 8 kathryn.liberatore@usdoj.gov
 Attorneys for Defendants

9
 10 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

11	CALIFORNIA RESOURCES AGENCY, <i>et</i>)	Case Nos. 08-01185-MHP
12	<i>al.</i> ,)	and 08-03884-MHP
)	
13	Plaintiffs,)	
	v.)	
14	UNITED STATES DEPARTMENT OF)	SECOND STIPULATION TO STAY
15	AGRICULTURE, <i>et al.</i> ,)	REMEDY BRIEFING
)	
16	Defendants.)	
)	
17	<u>CENTER FOR BIOLOGICAL</u>)	
	<u>DIVERSITY, <i>et al.</i>,</u>)	
18)	
	Plaintiffs,)	
19	v.)	
20	UNITED STATES DEPARTMENT OF)	
	AGRICULTURE, <i>et al.</i> ,)	
21)	
	Defendants.)	

22
 23 Plaintiffs and Defendants in the above-captioned case, by and through their attorneys,
 24 have conferred and hereby STIPULATE as follows:

25 On February 27, 2009, Plaintiffs filed motions for summary judgment in the above-
 26 captioned matters. Dkt. Nos. 46 and 28. On April 16, 2009, Defendants filed cross-motions for
 27 summary judgment. Dkt. Nos. 50 and 33. The Court held a hearing on the motions on July 31,
 28 2009.

1 On September 29, 2009, the Court entered judgment, granting in part and denying in part
2 the parties' motions for summary judgment. Dkt. No. 60. The Court ordered the parties to
3 submit, by November 3, 2009, simultaneous briefs proposing the appropriate forms of relief to
4 remedy the deficiencies found by the Court in the Southern California Forest Plans Final
5 Environmental Impact Statement.

6 The parties have entered settlement discussions in an attempt to develop the appropriate
7 forms of relief in this matter. To facilitate those discussions, the parties requested a stay of
8 briefing, Dkt. Nos. 61, 46, and on October 27, 2009, the Court entered an order staying further
9 briefing schedules until January 15, 2010. Dkt. No. 62.

10 The parties met to discuss settlement on November 18, 2009. Based on that meeting, as
11 well as on Plaintiffs' written settlement points and on Defendants' responses, the parties have
12 agreed to a second meeting to discuss settlement, scheduled for January 29, 2010. The parties
13 will continue to engage in good faith settlement discussions, and agree that a second meeting to
14 discuss settlement is in the best interests of the litigants and the Court. The parties therefore
15 request a second order staying all briefing on the issue of remedy until March 15, 2010. On that
16 date, the parties will advise the Court on whether continued settlement discussions are
17 appropriate, or whether a new remedy briefing schedule should be set. The parties reserve the
18 right to seek prompt reinstatement of a remedy briefing schedule at any time.

19
20 **IT IS SO STIPULATED**

21 Dated: January 15, 2010

22 IGNACIA S. MORENO
23 Assistant Attorney General

24 s/Alison D. Garner
25 ALISON D. GARNER
26 KATHRYN M. LIBERATORE
27 Trial Attorneys
28 United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
P.O. Box 663, Ben Franklin Station
Washington, D.C. 20044-0663
Telephone: (202) 514-2855

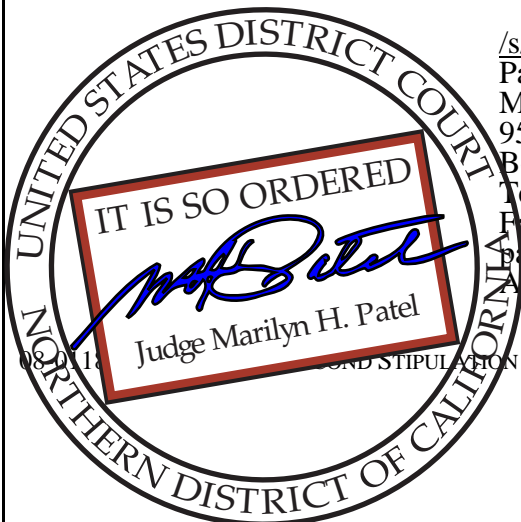
1 Telephone: (202) 616-5082
2 Facsimile: (202) 305-0506
3 alison.garner@usdoj.gov
4 kathryn.liberatore@usdoj.gov
5 Attorneys for Defendants U.S. Forest Service, *et al.*

6 s/ Erin M. Tobin (authorized)
7 Erin M. Tobin
8 Trent W. Orr
9 Earthjustice
10 426 17th Street, 5th Floor
11 Oakland, CA 94612
12 Tel.: (510) 550-6725
13 Fax: (510) 550-6749
14 etobin@earthjustice.org
15 torr@earthjustice.org
16 Attorneys for Plaintiffs Ctr. for Biological Diversity, *et al.*

17 /s/ Brian Hembacher (authorized)
18 Brian Hembacher
19 Deputy Attorney General
20 California Attorney General's Office
21 300 South Spring Street, Suite 1702
22 Los Angeles, CA 90013
23 Tel.: 213-897-2638
24 Fax: 213-897-2802
25 Brian.Hembacher@doj.ca.gov
26 Attorney for People of the State of California, *ex rel.*
27 California Attorney General Edmund G. Brown, Jr.

28 /s/ Peter Southworth (authorized)
Peter Southworth
Deputy Attorney General
California Attorney General's Office
Land Law Section
1300 I Street, 15th Floor
Sacramento, CA 95814
Tel.: (916) 445 1685
Fax: (916) 327 2319
Peter.Southworth@doj.ca.gov
Attorney for California Resources Agency and California
Department of Forestry and Fire Protection

/s/ Paul A. Turcke (authorized)
Paul A. Turcke
Moore Smith Buxton & Turcke, Chartered
950 West Bannock, Suite 520
Boise, Idaho 83702
Tel.: 208-331-1807
Fax: 208-331-1202
pat@msbtlaw.com
Attorney for Intervenors Blue Ribbon Coalition



1 IT IS SO ORDERED

2

3 Hon. Marilyn Hall Patel
4 United States District Judge

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28