

**FILED**

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**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

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11  
 12 IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14	CALIFORNIA RESOURCES AGENCY, <i>et al.</i> ,	)	Case Nos. 08-01185-MHP
15		)	and 08-03884-MHP
16		)	
16	Plaintiffs,	)	
17	v.	)	
18	UNITED STATES DEPARTMENT OF	)	<b>FIFTH STIPULATION TO</b>
18	AGRICULTURE, <i>et al.</i> ,	)	<b>STAY REMEDY BRIEFING</b>
19		)	
20	Defendants.	)	Judge Marilyn H. Patel
21		)	
21	CENTER FOR BIOLOGICAL	)	
22	DIVERSITY, <i>et al.</i> ,	)	
23		)	
23	Plaintiffs,	)	
24	v.	)	
25	UNITED STATES DEPARTMENT OF	)	
26	AGRICULTURE, <i>et al.</i> ,	)	
27		)	
27	Defendants.	)	

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

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

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

12 The parties have entered settlement discussions in an attempt to develop the appropriate  
13 forms of relief in this matter. To facilitate those discussions, the parties requested stays of  
14 briefing, Dkt. Nos. 61 and 46, 63 and 50, 65 and 52, and the Court has entered orders staying  
15 further briefing schedules. Dkt. Nos. 47, 51, 66.

16 The parties met to discuss settlement on November 18, 2009 and January 29, 2010. The  
17 parties requested a fourth stay of briefing, Dkt. Nos. 67 and 54. The Court entered an order  
18 staying further briefing schedules until September 10, 2010, on which date the parties would  
19 submit simultaneous remedy briefs. Dkt. No. 68.

20 The parties held a third settlement meeting on June 25, 2010. Since that meeting the  
21 parties have continued discussing settlement and believe they are close to a resolution of the  
22 issues. The parties will continue to engage in good faith settlement discussions, and agree that  
23 an additional stay to allow time for such discussions is in the best interests of the litigants and the  
24 Court. The parties therefore request a fifth order staying all briefing on the issue of remedy until  
25 October 1, 2010. On that date, the parties will advise the Court on the status of their settlement  
26 discussions and whether a further stay of briefing is appropriate or whether a new remedy  
27  
28

1 briefing schedule should be set. The parties reserve the right to seek prompt reinstatement of a  
2 remedy briefing schedule at any time. The parties will promptly notify the Court if a settlement  
3 is reached.  
4

5  
6 **IT IS SO STIPULATED**

Dated: August 31, 2010

7  
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9 /s/ Alison D. Garner

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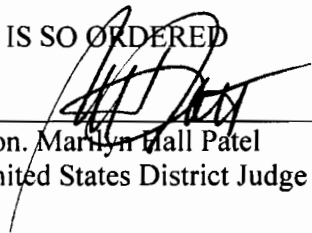
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IT IS SO ORDERED

  
\_\_\_\_\_  
Hon. Marilyn Hall Patel  
United States District Judge

9/1/10