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21 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 _____)
 23 **SIERRA CLUB,**)
))
 24 Plaintiff,)
))
 25 v.)
))
 26 **UNITED STATES DEPARTMENT**)
 27 **OF AGRICULTURE, AND**)
RURAL UTILITIES SERVICE,)
))
 28 _____)
 Defendants.)

Case No. 3:08-cv-04248-SC

STIPULATED REQUEST AND
[PROPOSED] ORDER TO EXTEND
THE BRIEFING SCHEDULE BY
SIXTY (60) DAYS

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9 *Attorneys for Intervening Defendants Brazos Electric
10 Power Cooperative, Inc. and East Kentucky Power
11 Cooperative, Inc.*

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Whereas, this case involves several requests by Plaintiff, SIERRA CLUB, for records in the custody or control of Federal Defendants, U.S. DEPARTMENT OF AGRICULTURE and RURAL UTILITIES SERVICE, pursuant to the Freedom of Information Act; and

Whereas, on or around September 25, 2009, Federal Defendants provided responsive records and Vaughn Indices for withholdings; and

Whereas, Plaintiff completed review of responsive records and Vaughn Indices on or around October 23, 2009, resulting in a settlement proposal to Federal Defendants on October 27, 2009; and

Whereas, the Court's current Scheduling Order (D.E. 57) requires Federal Defendants and Intervenor-Defendants to file motions for summary judgment on November 13, 2009; and

Whereas, in light of the schedule and Plaintiff's recent settlement proposal, Plaintiff, Federal Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to determine whether the remaining issue in the case can be resolved without further litigation. Counsel for Plaintiff represents that he obtained the dates below from the Court's clerk.

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**STIPULATED REQUEST TO EXTEND
BRIEFING SCHEDULE BY SIXTY DAYS - 2**

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(d) March 19, 2010

Last day for Plaintiff to file reply in support of its crossmotion for summary judgment.

(e) April 16, 2010

Hearing on summary judgment motions.

Respectfully submitted,

/s/ William S. Eubanks II
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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Date: October 30, 2009

The Hon. Samuel Conti Judge
United States District Court
Northern District of California
IT IS SO ORDERED
Judge Samuel Conti