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

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

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

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

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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 granted a stipulated request for a 60-day extension, setting the current Scheduling Order (D.E. 59) and allowing the parties to engage in settlement discussions; and

Whereas, the parties have engaged in detailed settlement discussions and are very close to a comprehensive settlement, but are still working to resolve a few outstanding issues (as to which the parties have been exchanging proposals and counter-proposals in recent days and to which the parties expect to make further exchanges by early next week), and to draft a settlement agreement; and

Whereas, the Court's current Scheduling Order requires Federal Defendants and Intervenor-Defendants to file motions for summary judgment on January 19, 2010; and

1 Whereas, in light of the schedule and the parties' anticipated settlement, Plaintiff, Federal
2 Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in
3 an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to
4 determine whether the remaining issues in the case can be resolved without further litigation. Counsel
5 for Plaintiff represents that he obtained the dates below from the Court's clerk.
6

7 IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court's
8 approval, that the briefing schedule be extended by approximately sixty days, resulting in the revised
9 schedule as follows:

- | | |
|---------------------------------|--|
| 10 (a) March 22, 2010 | Last day for Defendant and/or Intervenor(s) to file a motion
11 for summary judgment. |
| 12 (b) April 12, 2010 | Last day for Plaintiff to file opposition to any motion for
13 summary judgment filed by Defendant and/or Intervenor(s)
14 and last day for Plaintiff to file any cross-motion for
summary judgment. |
| 15 (c) May 3, 2010 | Last day for Defendant and/or Intervenor(s) to file reply in
16 support of any motion for summary judgment and last day
for Defendant and/or Intervenor(s) to file opposition to any
17 motion for summary judgment filed by Plaintiff. |

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(d) May 21, 2010 Last day for Plaintiff to file reply in support of its crossmotion for summary judgment.

(e) June 18, 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: 1/14/10

The Honorable
United States
