Joint Stipulation to Extend Time

28

Civ. No. 08-5546-MHP

Doc. 23

1	
2	
3	(
4	
5	]
6	
7	
8	
9	(
10	1
11	(
12	
13	(
14	]
15	
16	j
17	(
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

WHEREAS, Plaintiffs filed the above captioned case on December 11, 2008;

WHEREAS, Plaintiffs served the United States Attorney's Office for the Northern District of California with the Summons and Complaint on December 11, 2008;

WHEREAS, pursuant to Federal Rule of Civil Procedure 12(a), Defendants' response to Plaintiffs' Complaint would be due on February 9, 2009;

WHEREAS, Defendants aver that they require additional time, up to and including March 13, 2009, in which to formulate a response to the issues presented in the Plaintiffs' Complaint;

WHEREAS, pursuant to Civ. L.R. 6-1, the "[p]arties may stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint . . . provided the change will not alter the date of any event or any deadline already fixed by Court order. . .";

WHEREAS, the agreed-upon extension will not affect or alter any current scheduling deadlines fixed by this Court's Order Setting Initial Case Management Conference and ADR Deadlines (Docket No. 4);

WHEREAS, without prejudice to any argument, claim, or defense that any party may have in this case, the parties agree that Defendants shall file and serve the administrative records for the challenged actions in this case by April 15, 2008,

NOW, THEREFORE, the parties hereby stipulate as follows:

- Defendants' time in which to respond to Plaintiffs' Complaint shall be enlarged to March 13, 2009.
- Defendants shall file and serve the administrative records to Plaintiffs by April 15,
   2009.

1		
2		
3	DATED February 5, 2009	Respectfully submitted,
4		JOHN C. CRUDEN
5		Acting Assistant Attorney General United States Department of Justice
6		Environment & Natural Resources Division
7		JEAN E. WILLIAMS, Section Chief
8		SETH M. BARSKY, Assistant Section Chief ERIK E. PETERSEN (D.C. Bar No. 489073)
9		Erik.Petersen@usdoj.gov
10		/s/ Erik Petersen
11		ERIK E. PETERSEN (D.C. Bar No. 489073)
12		Erik.Petersen@usdoj.gov KRISTEN L. GUSTAFSON (D.C. Bar. N. 460443)
13		Kristen.Gustafson@usdoj.gov MICHAEL R. EITEL (Neb. Bar No. 22889)
14		Michael.Eitel@usdoj.gov Trial Attorneys, Wildlife & Marine Resources Section
15		U.S. Department of Justice Environment & Natural Resources Division
16		Ben Franklin Station, P.O. Box 7369
17		Washington, D.C. 20044-7369 Tel: 202-305-0339 / Fax: 202-305-0275
18		CHARLES R. SHOCKEY (D.C. Bar No. 914879)
19		Trial Attorney, Natural Resources Section United States Department of Justice
20		Environment and Natural Resources Division 501 "I" Street, Suite 9-700
21		Sacramento, CA 95814-2322 Tel: (916) 930-2203/ Fax: (916) 930-2210
22		Email: charles.shockey@usdoj.gov
23		Attorneys for Federal Defendants
24		
25	DATED February 5, 2009	Michael P Senatore <u>msenatore@biologicaldiversity.org</u>
26		
27		<u>/s/ Michael Senatore</u> (with permission)
28		Michael P Senatore Center for Biological Diversity

1	1601 Connecticut Avenue, N.W., Suite 701
2	Washington, DC 20009-1056 301-466-0774
3	msenatore@biologicaldiversity.org
4	Lisa T. Belenky Center for Biological Diversity
5	351 California Street, Suite 600
6	San Francisco, CA 94104 415-436-9682 ext. 307 / 415-436-9683 (fax) <u>lbelenky@biologicaldiversity.org</u>
7	
8	Eric R. Glitzenstein Meyer Glitzenstein & Crystal
9	1601 Connecticut Avenue N.W., Suite 700 Washington, DC 20009
10	202-588-5206 / 202-588-5049 (fax) eric@meyerglitz.com
11	Jason Rylander
12	Defenders of Wildlife
13	1101 17th Street, N.W. Washington, DC 20036
14	(202) 682-9400 jrylander@defenders.org
15	ji ji ililia o a a a a a a a a a a a a a a a a a a
16	Attorneys for Plaintiffs
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification to the attorneys of record.

I also certify that, on February 5, 2009, I sent the foregoing via overnight mail to the following attorney of record:

Jason Rylander Defenders of Wildlife 1101 17th Street, N.W. Washington, DC 20036 (202) 682-9400 jrylander@defenders.org

/s/ Erik Petersen

Erik E. Petersen, Trial Attorney

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

CENTER FOR BIOLOGICAL DIVERSITY, et al.,
Plaintiffs, v.
KEN SALAZAR, Secretary, U.S. Department of the Interior, et al.,
Defendants.

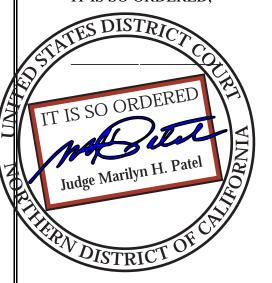
Case No: CV-08-5546-MHP

[PROPOSED] ORDER REGARDING JOINT STIPULATION TO EXTEND THE TIME IN WHICH TO RESPOND TO PLAINTIFFS' COMPLAINT AND TO SET DATE FOR PRODUCTION OF ADMINISTRATIVE RECORD

This matter having come before the Court on the parties' Joint Stipulation to Extend the Time in which to Respond to Plaintiffs' Complaint and to Set Date for Production of Administrative Record, the Court finds that:

- 1. Defendants' time in which to respond to Plaintiffs' Amended Complaint shall be enlarged to March 13, 2009.
- 2. Defendants shall produce the administrative records to Plaintiffs by April 15, 2009.

IT IS SO ORDERED,



[Proposed] Order Civ. No. 08-5546-MHP