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Attorneys for Federal Defendants

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

12 _____)
 13 CENTER FOR BIOLOGICAL DIVERSITY,)
 14)
 15 Plaintiff,)
 16)
 17 v.)
 18)
 19 KEN SALAZAR, in his official capacity as)
 20 Secretary of the Interior; and UNITED STATES)
 21 FISH AND WILDLIFE SERVICE, an agency of)
 22 of the United States Department of the Interior,)
 23)
 24)
 25 Defendants)
 26 _____)

Case No. 3:09-cv-01415-THE

27 **JOINT STIPULATION FOR**
 28 **EXTENSION OF TIME**

20 Plaintiff Center for Biological Diversity (“Plaintiff”) and Defendants United States Fish and
 21 Wildlife Service *et alia* (“Federal Defendants”), by and through their undersigned counsel,
 22 pursuant to Civil L.R. 6-2(a), present this stipulation to enlarge the deadlines for Federal Defendants
 23 to file an Opposition to Plaintiff’s Motion for Summary Judgment and for Plaintiff to file a Reply
 24 in support of its Motion for Summary Judgment. The Parties state as follows:

27 Joint Stipulation for Extension of Time
 28 Case No. 3:09-cv-01415-THE

1 WHEREAS, pursuant to Civ. L.R. 6-2, “[t]he parties may file a stipulation, conforming to
2 Civil L.R. 7-12, requesting an order changing time that would . . . extend time frames set in the
3 Local Rules or in the Federal Rules;” and
4

5 WHEREAS, Plaintiff served its Complaint on the Federal Defendants on April 9, 2009
6 (Docket # 5), and Federal Defendants’ Answer is due June 10, 2009,

7 WHEREAS, Plaintiff filed a Motion for Summary Judgment on May 8, 2009 (Docket # 6),
8 and noticed a hearing on that motion for June 15, 2009. Federal Defendants’ Opposition to that
9 motion is presently due May 26, 2009, and Plaintiff’s Reply is due June 1, 2009.
10

11 WHEREAS, there have been no previous extensions of time of the deadline for Federal
12 Defendants’ Opposition to Plaintiff’s Motion for Summary Judgment;

13 WHEREAS, the Parties have reached a tentative proposed settlement of Plaintiff’s claim,
14 and intend to continue to negotiate regarding other elements necessary to complete settlement of this
15 case, including Plaintiff’s claim for attorney’s fees. Counsel for the Parties intend to prepare the
16 requisite papers for submission to the United States Department of Justice and the Parties in support
17 of the proposed settlement, and seek the requisite settlement approvals and authorizations. The
18 Parties wish to conserve their and the Court’s resources by deferring the expenditure of significant
19 time and resources on the active litigation of this case while their settlement negotiations and
20 approval processes are underway.
21

22 WHEREAS, the Parties request a two week extension of time, from May 26, 2009, to June
23 8, 2009, for Federal Defendants’ to file their Opposition to Plaintiff’s Motion for Summary
24 Judgment, and a ten day extension of time, from June 1, 2009, to June 11, 2009, for Plaintiff to file
25

1 its reply brief in support of summary judgment.

2 WHEREAS, if the Parties have not finalized and executed their proposed settlement by June
3 2, 2009, the Parties would respectfully propose that they file a joint status report on or before that
4 date informing the Court of the status of their efforts to resolve the issues and claims in this case and
5 making a proposal to the Court about whether and how to proceed with this case.
6

7 WHEREAS, the agreed-upon extension will not affect or alter any current scheduling
8 deadlines fixed by this Court's Order Setting Initial Case Management Conference and ADR
9 Deadlines, filed April 1, 2009; and
10

11 WHEREAS, granting this joint request for extension of time will not cause any undue
12 prejudice or harm to the interests of the Parties herein. Rather, it will serve the public interest by
13 enabling the judicious use of limited resources and allowing the Parties to focus their attention and
14 energy on their efforts and energies to completing their tentative proposed settlement.
15

16 NOW, THEREFORE, the Parties stipulate as follows:

- 17 1. Federal Defendants' time in which to respond to Plaintiff's Motion for Summary
18 Judgment shall be enlarged to June 8, 2009.
- 19 2. Plaintiff's time in which to reply to its Motion for Summary Judgment shall be
20 enlarged to June 11, 2009.
- 21 2. On June 2, 2009, the Parties shall file a Joint Status Report informing the Court of
22 the status of their efforts to resolve the issues and claims in this case and making a
23 proposal to the Court about whether and how to proceed with this case.
24

25 **The hearing currently scheduled for June 15, 2009 shall be continued to June 29, 2009 at
26 10:00 AM.**

1 Respectfully submitted this 15th day of May, 2009.

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3 JEAN E. WILLIAMS, Chief
4 LISA L. RUSSELL Assistant Chief

5 By: /s/ John H. Martin, III
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PURSUANT TO STIPULATION, IT IS SO ORDERED,

DATED: 05/18/09



Joint Stipulation for Extension of Time
Case No. 3:09-cv-01415-THE