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

The Wilderness Soc’y, et al.,

NO. C 09-03048 JW

Plaintiffs,

**ORDER CONTINUING STATUS  
CONFERENCE; EXTENDING STAY**

v.

United States Dep’t of Interior, et al.,

Defendants.

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Presently before the Court is a Joint Status Report of the Parties.<sup>1</sup> The parties filed their Joint Status Report in response to the Court’s May 2, 2011 Order extending the stay in this case.<sup>2</sup> In their Joint Status Report, Plaintiffs and Federal Defendants contend that they have “achieved agreement in principle on the substantive points of a proposed settlement agreement.” (Report at 2.) Plaintiffs and Federal Defendants further contend that the only remaining issues are “largely procedural or ancillary to the substance of the agreement,” and that they “believe they will be able to iron out those ancillary issues relatively quickly,” at which point they “will be in a position to share the proposed agreement with the [Intervenor-Defendants].” (*Id.*) Plaintiffs and Federal Defendants contend that it is not necessary for the Court to schedule further proceedings at this time, as they are “hopeful that they will soon conclude their settlement discussions successfully.” (*Id.*) In addition,

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<sup>1</sup> (Joint Status Report of the Parties Pursuant to the Court’s Order of May 2, 2011, hereafter, “Report,” Docket Item No. 53.)

<sup>2</sup> (Order Granting in part Parties’ Stipulation Further Extending Stay of Proceedings, hereafter, “May 2 Order,” Docket Item No. 52.)

1 Intervenor-Defendants have also filed a Statement in which they contend that they have “not been  
2 included in settlement discussions yet,” despite the Court’s order that Plaintiffs and Federal  
3 Defendants “shall make every effort” to include Intervenor-Defendants in the settlement  
4 discussions.<sup>3</sup>

5       Upon review, the Court finds good cause to extend the stay for purposes of completing a  
6 settlement. With this Order, the Court has now issued seven Orders in this case extending the stay  
7 of proceedings that has been in place since September 28, 2009. (May 2 Order at 1.) The Court has  
8 issued those Orders in response to the parties’ contentions that an extended stay of proceedings  
9 would “accommodate settlement negotiations.” (See, e.g., Docket Item No. 27 at 1.) However, the  
10 Court is disinclined to stay this case yet again, should the parties be unable to reach a settlement  
11 prior to August 19, 2011.

12       Accordingly, the Court CONTINUES the June 20, 2011 Status Conference and orders as  
13 follows:

- 14       (1)     The stay of proceedings is extended until **August 29, 2011**;
- 15       (2)     On **August 29, 2011 at 10 a.m.**, the Court will conduct a Status Conference re:  
16             Settlement.

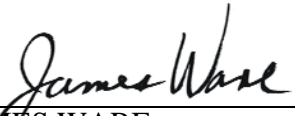
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26             <sup>3</sup> (Intervenor-Defendants’ Status Conference Statement Pursuant to the Court’s Order of  
27 May 2, 2011, Including Response to the Other Parties’ Joint Status Report at 2-3, Docket Item No.  
28 54.)

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(3) On or before **August 19, 2011**, the parties shall file a Joint Status Conference Statement which provides the Court with an update on settlement discussions, including whether the parties have reached an agreement.<sup>4</sup> If an agreement has not been reached, the parties shall include in their Statement a good faith proposed schedule as to how this case should proceed.

Dated: June 15, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

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<sup>4</sup> As discussed in the Court's May 2 Order, Plaintiffs and Federal Defendants shall make every effort to include Intervenor-Defendants in their settlement discussions, to the extent that those discussions implicate the interests of Intervenor-Defendants. (May 2 Order at 1 n.2.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Amy Rae Atwood atwood@biologicaldiversity.org  
3 David Bernard Glazer david.glazer@usdoj.gov  
4 Gregory C. Loarie gloarie@earthjustice.org  
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8 **Dated: June 15, 2011**

**Richard W. Wieking, Clerk**

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By:           /s/ JW Chambers            
**Susan Imbriani**  
**Courtroom Deputy**