

1 Fisheries Service, and Gary F. Locke, Secretary of the United States Department of Commerce
2 (collectively “NMFS”):

3 WHEREAS, pursuant to the parties’ Joint Case Management Statement (Doc. No. 24)
4 and this Court’s Scheduling Order (Doc. Nos. 35-36), NMFS filed the Administrative Record on
5 January 15, 2010 (Doc. No. 40);

6 WHEREAS, under the Scheduling Order, Plaintiffs are required to file any motion
7 regarding the Administrative Record by March 21, 2010;

8 WHEREAS, the parties have discussed the Administrative Record and have agreed to
9 supplementation of the Record;

10 WHEREAS, NMFS needs additional time to supplement the Record and Plaintiffs need
11 additional time to review the supplement, and to incorporate the supplement into their opening
12 brief;

13 WHEREAS, NMFS counsel has an unavoidable scheduling conflict from May 14 to 26,
14 2010;

15 WHEREAS, no previous extensions of time have been sought by any party;

16 NOW, THEREFORE, Plaintiffs and Federal Defendants stipulate to modify the briefing
17 schedule in this matter as follows:

- 18 1. NMFS shall lodge its supplement to the Administrative Record no later than March 26,
19 2010. NMFS shall lodge the supplement on compact disk and shall provide a courtesy
20 paper copy to the Court.
- 21 2. Any motion regarding the contents of the Administrative Record shall be filed no later
22 than April 2, 2010. The filing of such a motion shall vacate any briefing schedule on
23 summary judgment.
- 24 3. Plaintiffs shall file their opening summary-judgment brief no later than April 2, 2010.
- 25 4. Federal Defendants shall file their opening summary-judgment brief no later than June 4,
26 2010.
- 27 5. Plaintiffs shall file their response-reply brief no later than June 25, 2010.

- 1 6. Federal Defendants shall file their reply brief no later than July 19, 2010.
- 2 7. The hearing on cross-motions for summary judgment shall ~~remain set for July 30, 2010 at~~
- 3 ~~9:00 a.m.~~ **be set for August 12, 2010 at 2:00 p.m.**

4
5 Dated: March 18, 2010

Respectfully submitted,

6 IGNACIA S. MORENO, Asst. Attorney General
7 JEAN E. WILLIAMS, Section Chief

8
9 /s/ Lawson E. Fite

10 LAWSON E. FITE, Trial Attorney
11 Ore. Bar No. 055573
12 United States Department of Justice
13 Environment & Natural Resources Division
14 Wildlife & Marine Resources Section
15 Ben Franklin Station
16 P.O. Box 7369
17 Washington, DC 20044-7369
18 Phone: (202) 305-0217
19 Fax: (202) 305-0275
20 Email: lawson.fite@usdoj.gov

21 Attorneys for Defendants

22 /s/ Brendan Cummings (by LEF, as
23 authorized 3/18/10)

24 Andrea A. Treece (CA Bar No. 237639)
25 Miyoko Sakashita (CA Bar No. 239639)
26 CENTER FOR BIOLOGICAL DIVERSITY
27 351 California Street, Suite 600
28 San Francisco, CA 94104
Phone: (415) 436-9682
Facsimile: (415) 436-9683
Email: atreece@biologicaldiversity.org
miyoko@biologicaldiversity.org

Brendan R. Cummings (CA Bar No. 193952)
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 549

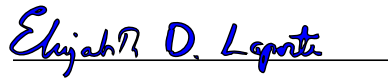
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Joshua Tree, CA 92252
Phone: (760) 366-2232
Facsimile: (760) 366-2669
Email: bcummings@biologicaldiversity.org

Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 19, 2010



UNITED STATES MAGISTRATE JUDGE

