

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 2 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 3 VICTORIA R. CARRADERO (CSBN 217885)
 Assistant United States Attorney

4 450 Golden Gate Avenue, 9TH Floor
 5 San Francisco, California 94102-3495
 Telephone: (415) 436-7181
 6 Fax: (415) 436-6748
 Email: victoria.carradero@usdoj.gov

7 Attorneys for Federal Defendant Ken Salazar
 8

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

12 RUFUS CATCHINGS,)
 13)
 Plaintiff,)
 14)
 v.)
 15 KEN SALAZAR, IN HIS OFFICIAL)
 CAPACITY AS SECRETARY OF THE)
 16 INTERIOR, MARCIA MCNUTT, IN HER)
 OFFICIAL CAPACITY AS DIRECTOR OF)
 17 THE UNITED STATES GEOLOGICAL)
 SURVEY, ANNE KINSINGER, IN HER)
 18 OFFICIAL CAPACITY AS REGIONAL)
 DIRECTOR OF THE WESTERN REGION)
 19 OF THE UNITED STATES GEOLOGICAL)
 SURVEY, AND DOES 1-50.)
 20)
 21 Defendant.)
 22 _____)

Case No. 10-00625-TEH
 STIPULATION AND ~~[PROPOSED]~~
 ORDER PERMITTING PLAINTIFF TO
 FILE A FIRST AMENDED COMPLAINT

23
 24
 25
 26
 27
 28

STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF TO FILE A FIRST
 AMENDED COMPLAINT - Case No. 10-00625

1 Plaintiff Rufus Catchings (“Plaintiff”), and Defendant Ken Salazar, Secretary of the
2 Interior (“Defendant”) by and through their undersigned counsel, hereby stipulate as follows:

3 WHEREAS, Defendant’s response to Plaintiff’s Complaint is due on May 5, 2010. The
4 parties have communicated regarding certain pleading defects in Plaintiff’s Complaint and wish
5 to resolve pleading issues without motion practice.

6 WHEREAS, the parties agree that Plaintiff will file a First Amended Complaint to cure
7 the pleading issues raised by Defendant. Specifically, Plaintiff will file a First Amended
8 Complaint that: (1) dismisses improperly named Defendants Marcia Mcnutt, Anne Kinsinger and
9 DOE defendants; (2) dismisses the request for punitive damages. The parties have not agreed to
10 any other amendments or changes to the Complaint.

11 ACCORDINGLY, the due date for Defendant to respond to the Plaintiff’s Complaint is
12 continued such that Plaintiff can file a First Amended Complaint. Plaintiff will file a First
13 Amended Complaint within five (5) calendar days of the Court’s order approving this stipulation
14 and Defendant will file a responsive pleading to Plaintiff’s First Amended Complaint within ten
15 (10) calendar days of the filing of the First Amended Complaint.

16 **IT IS SO STIPULATED**

17 DATED: May 4, 2010

HOYER & ASSOCIATES

18 _____
19 /s/
Richard A. Hoyer, Esq.
Attorney for Plaintiff

20 DATED: May 4, 2010

JOSEPH RUSSONIELLO
United States Attorney

21 _____
22 /s/
23 Victoria R. Carradero
Assistant United States Attorney
Attorneys for Defendant

24 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

25 DATED: 05/05/10



26 STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF TO FILE A FIRST
27 AMENDED COMPLAINT - Case No. 10-00625
28