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13
 14 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 **CENTER FOR BIOLOGICAL**
DIVERSITY, a non-profit organization; and)
 17 **PESTICIDE ACTION NETWORK**)
NORTH AMERICA, a non-profit)
 18 organization;)

19 Plaintiffs,)

20 v.)

21 **ENVIRONMENTAL PROTECTION**)
AGENCY; and **LISA JACKSON**,)
 22 Administrator, U.S. EPA;)

23 Defendants,)

24 **CROP LIFE AMERICA, AMERICAN**)
FARM BUREAU FEDERATION,)
 25 **AMERICAN CHEMISTRY COUNCIL,**)
 26 and **RECKITT BENCKISER**)

27 Defendant-Intervenors.)
 28

Case No. CV-11-0293-JCS

**STATUS REPORT AND STIPULATION
 TO EXTEND STAY**

**Status Conference Date: August 12, 2011
 Time: 1:30 PM
 Courtroom A – 15th Floor**

Magistrate Judge Joseph C. Spero

1 This status report is filed pursuant to the Court's June 3, 2011, order. In light of the
2 developments described below, all parties respectfully request that the Court extend the stay of
3 litigation by approximately 60 days from August 12, 2011 until October 14, 2011 and continue the
4 status conference now set for August 12, 2011 to October 14, 2011 at 1:30 p.m. (or to such date and
5 time that is convenient for the Court).

6 On January 20, 2011, the Center for Biological Diversity and the Pesticide Action Network
7 North America (collectively "Plaintiffs") initiated the instant litigation, alleging that the Environmental
8 Protection Agency and its administrator, Lisa Jackson, (collectively "Defendants") violated Section
9 7(a)(2) of the Endangered Species Act ("ESA") by failing to consult on the effects of EPA-registered
10 pesticides on endangered and threatened species and their designated critical habitat throughout the
11 United States of America. *See* Docket No. 1. On March 14, 2011, Defendants and Plaintiffs jointly
12 filed a motion to stay the litigation to conserve judicial resources while the parties explored the
13 possibility of settlement. *See* Docket No. 13. The Court granted the motion on March 15, 2011. *See*
14 Docket No. 14.

15 On May 13, 2011, the parties met in Washington, D.C. and engaged in exploratory discussions
16 concerning the possibility of settlement, as well as technical issues concerning EPA's current
17 endangered species risk assessment methods and associated regulatory programs. Proposed Intervenors
18 were also present at the meeting.

19 On June 3, 2011, the Court held an intervention hearing and granted in part and denied in part
20 the motions from 1) Crop Life America, 2) American Farm Bureau Federation, 3) American Chemistry
21 Council and 4) Reckitt Benckiser (collectively "Intervenors"). The Court also set a status conference
22 for August 12, 2011, and ordered the parties to submit a status report that "include[s] a description of
23 the status of negotiations and a plan for the remainder of the case."

24 On June 21, 2011, the parties, including Intervenors, met in Washington, D.C. and held further
25 discussions regarding the possibility of settlement. An additional meeting was held by phone on July
26 18, 2011. Plaintiffs have provided Defendants proposed settlement frameworks, and Defendants are
27 working toward responding to those proposals. The parties are committed to further pursuing
28

1 settlement discussions and are in the process of arranging the next meeting, as well as establishing a
2 schedule of meetings to ensure full discussion of all elements of the potential settlement. The parties
3 are also currently discussing the potential for a settlement that could resolve all of Plaintiffs' claims and
4 requests for relief.

5 To allow these discussions to continue, and in the interest of judicial economy, the parties
6 respectfully request that this Court continue the status conference currently set for August 12, 2011 to
7 October 14, 2011 at 1:30 p.m. (or to such date and time that is convenient for the Court), and extend the
8 stay of this litigation for approximately an additional 60 days (from August 12, 2011 until October 14,
9 2011). If the Court extends the stay and resets a conference date, the parties will submit a status report
10 two weeks prior to that conference (on September 30, 2011).

11
12 Respectfully submitted this 29th day of July, 2011,

13 /s/ Justin Augustine

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PURSUANT TO STIPULATION, IT IS SO ORDERED. The status conference is reset for
Oct. 14, 2011, at 1:30 p.m. The status report shall be due by Sept. 30, 2011.

Dated: 7/29/11

Magistrate Judge Joseph C. Spero

