

1 Justin Augustine (CA Bar No. 235561)
 Jaelyn Lopez (CA Bar No. 258589)
 2 Center for Biological Diversity
 351 California Street, Suite 600
 3 San Francisco, CA 94104
 Phone: (415) 436-9682; Fax: (415) 436-9683
 4 jaugustine@biologicaldiversity.org
 jlopez@biologicaldiversity.org

5 Collette L. Adkins Giese (MN Bar No. 035059X)*
 Center for Biological Diversity
 6 8640 Coral Sea Street Northeast
 Minneapolis, MN 55449-5600
 7 Phone: (651) 955-3821; Fax: (415) 436-9683
 cadkinsgiese@biologicaldiversity.org

8 Michael W. Graf (CA Bar No. 136172)
 9 Law Offices
 227 Behrens Street
 10 El Cerrito, CA 94530
 Phone: (510) 525-7222; Fax: (510) 525-1208
 11 mwgraf@aol.com

12 *Attorneys for Plaintiffs*
 *Granted admission *pro hac vice*

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: Nov. 18, 2011
 Time: 1:30 PM**

Magistrate Judge Joseph C. Spero

1 This status report is filed pursuant to the Court's September 30, 2011 order. In light of the
2 developments described below, Plaintiffs and Defendants respectfully request that the Court extend the
3 stay of litigation by approximately 90 days from November 18, 2011 to February 10, 2012 and continue
4 the status conference now set for November 18, 2011 to February 10, 2012 at 1:30 p.m. (or to such date
5 and time that is convenient for the Court). Intervenors have informed Plaintiffs and Defendants that
6 they do not object to this request.

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

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

20 On June 3, 2011, the Court held an intervention hearing and granted in part and denied in part
21 the motions from 1) Crop Life America, 2) American Farm Bureau Federation, 3) American Chemistry
22 Council and 4) Reckitt Benckiser (collectively "Intervenors").

23 On June 21, 2011, the parties, including Intervenors, met in Washington, D.C. and held further
24 discussions regarding the possibility of settlement. Since then, the parties held meetings by phone on
25 July 18, August 23, September 21, and November 1, 2011. Plaintiffs circulated written settlement
26 proposals on July 13, July 21, and October 5, 2011. The parties also exchanged information and ideas
27 for settlement by email.

1 Plaintiffs and Defendants are pursuing further settlement discussions and are in the process of
2 arranging the next meeting. Based on the discussions to date, Intervenor do not object to further
3 settlement talks, provided all parties continue to be involved.

4 To allow these discussions to continue, and in the interest of judicial economy, Plaintiffs and
5 Defendants respectfully request that this Court continue the status conference currently set for
6 November 18, 2011 to February 10, 2012 at 1:30 p.m. (or to such date and time that is convenient for
7 the Court), and extend the stay of this litigation for approximately an additional 90 days (from
8 November 18, 2011 to February 10, 2012). If the Court extends the stay and resets a conference date,
9 the parties will submit a status report two weeks prior to that conference (on January 27, 2012).

10
11 Respectfully submitted this 10th day of November, 2011,

12 /s/ Collette L. Adkins Giese

13 Collette L. Adkins Giese (MN Bar No. 035059X)*
14 Center for Biological Diversity
15 8640 Coral Sea Street Northeast
16 Minneapolis, MN 55449-5600
17 Phone: (651) 955-3821
18 Fax: (415) 436-9683
19 cadkingiese@biologicaldiversity.org

17 Justin Augustine (CA Bar No. 235561)
18 Jaclyn Lopez (CA Bar No. 258589)
19 Center for Biological Diversity
20 351 California Street, Suite 600
21 San Francisco, CA 94104
22 Phone: (415) 436-9682
23 Fax: (415) 436-9683
24 jaugustine@biologicaldiversity.org
25 jlopez@biologicaldiversity.org

22 Michael W. Graf (CA Bar No. 136172)
23 Law Offices
24 227 Behrens Street
25 El Cerrito, CA 94530
26 Phone: (510) 525-7222
27 Fax: (510) 525-1208
28 mwgraf@aol.com

Attorneys for Plaintiffs

AND

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

IGNACIA S. MORENO,
Assistant Attorney General
SETH M. BARSKY, Section Chief
S. JAY GOVINDAN, Assistant Chief

/s/ James A. Maysonett

JAMES A. MAYSONETT, Trial Attorney
ERIK E. PETERSEN, Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
Ben Franklin Station
P.O. Box 7369
Washington, DC 20044-7369
Phone: (202) 305-0216
Fax: (202) 305-0275
james.a.maysonett@usdoj.gov

Attorneys for Federal Defendants

AND

/s/ William K. Rawson

LATHAM & WATKINS LLP
William K. Rawson (D.C. Bar No. 367167)*
william.rawson@lw.com
Claudia M. O'Brien (D.C. Bar No 447354)*
claudia.o'brien@lw.com
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Phone: (202) 637-2200
Fax: (202) 637-2201

Patrick J. Ferguson (Ca. Bar No. 252778)
patrick.ferguson@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Phone: (415) 391-0600
Fax: (415) 395-8095

WILEY REIN LLP
David B. Weinberg (D.C. Bar No. 186247)*
dweinberg@wileyrein.com
Eric Andreas (D.C. Bar No. 462777)*
eandreas@wileyrein.com
1776 K Street NW

1 Washington, DC 20006
2 Phone: (202) 719-7000
3 Fax: (202) 719-7049

4 *Attorneys for Crop Life America, et al.*

5 /s/ Thomas W. Stoever, Jr.

6 Thomas W. Stoever, Jr. (Cal. Bar No. 150056)
7 ARNOLD & PORTER LLP
8 370 Seventeenth Street
9 Suite 4500
10 Denver, Colorado 80202-1370
11 Phone: (303) 863-1000
12 Fax: (303) 832-0428

13 *Attorney for Intervenor-Defendant Reckitt
14 Benckiser LLC.*

15 /s/ J. Michael Klise

16 J. Michael Klise*
17 jmklise@crowell.com
18 CROWELL & MORING LLP
19 Steven P. Quarles
20 Thomas R. Lundquist
21 1001 Pennsylvania Avenue, N.W.
22 Washington, D.C. 20004-2595
23 Phone: (202) 624-2500
24 Fax: (202) 628-5116

25 *Attorneys for Intervenors American Farm Bureau
26 Federation, et al.*

27 /s/ Seth Goldberg

28 Seth Goldberg (CA Bar No. 153719)
sgoldberg@steptoe.com
Cynthia L. Taub (D.C. Bar No. 445906)*
ctaub@steptoe.com
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Phone: 202.429.3000
Fax: 202.429.3902

*Attorneys for Defendant-Intervenor American
Chemistry Council*

*Granted admission *pro hac vice*

PURSUANT TO STIPULATION, IT IS SO ORDERED. The status conference is reset for
_ Feb. 10, 2012 at 1:30 p.m . The status report shall be due by Feb. 3, 2012 _____.

Dated: 11/14/11

